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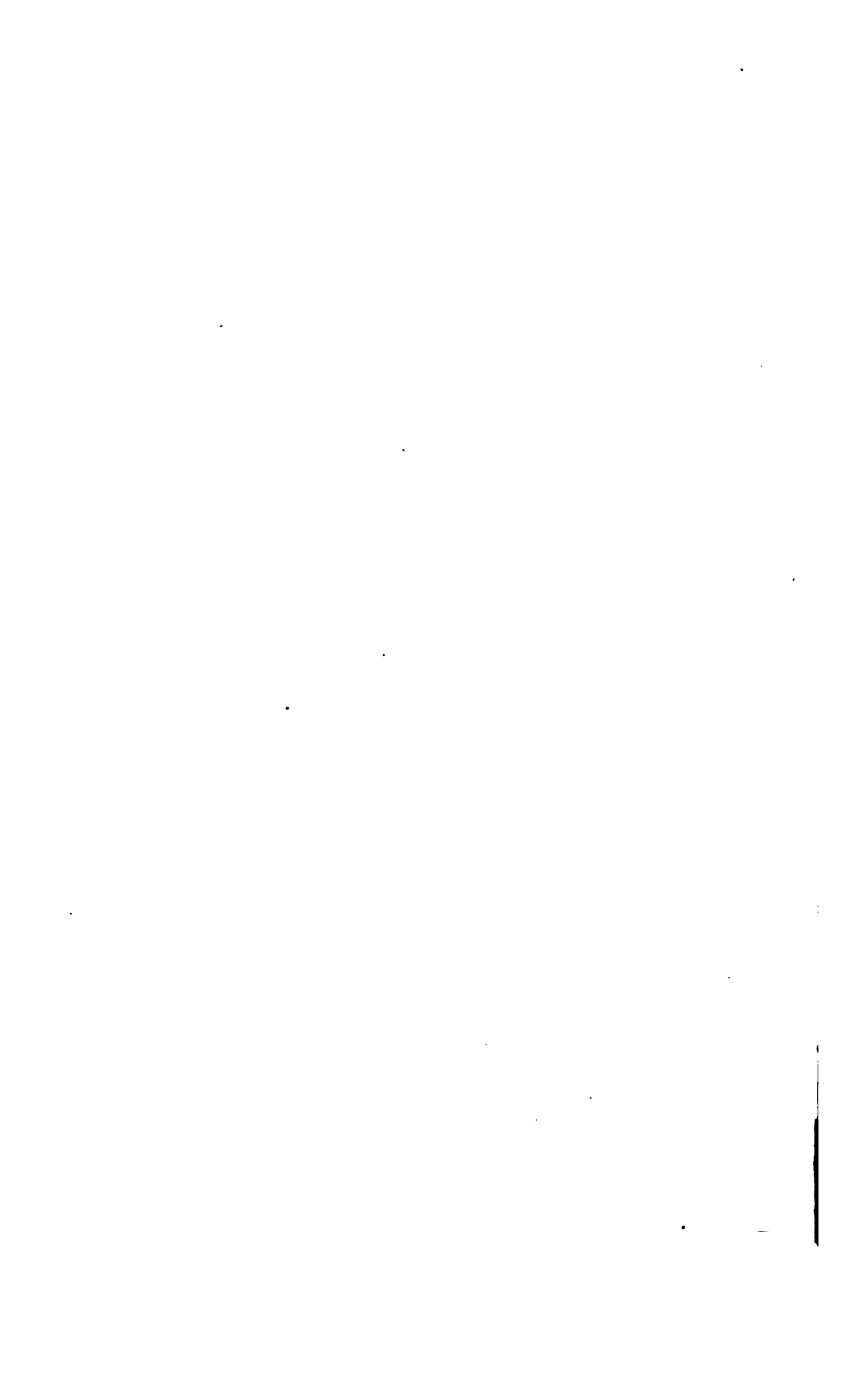
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IN THE YEAR
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HANSARD'S
PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

42° VICTORIÆ, 1879.

VOL. CCXLVI.

COMPRISING THE PERIOD FROM

THE NINTH DAY OF MAY 1879,

TO

THE SIXTEENTH DAY OF JUNE 1879.

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PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—

Moved, "That the Orders of the Day subsequent to the Army Discipline and Regulation Bill be postponed until after the Notice of Motion for leave to bring in a Bill for promoting University Education in Ireland,"—(*Mr. Chancellor of the Exchequer.*)

After short debate, Motion *agreed to*.

Army Discipline and Regulation Bill [Bill 88]—

Bill *considered* in Committee [*Progress 8th May*] 407

After long time spent therein, Committee report Progress; to sit again To-morrow, at Two of the clock.

MOTION.

University Education (Ireland) Bill—

Motion for Leave (*The O'Conor Don*) 475

After debate, Motion *agreed to*:—Bill to make better provision for University Education in Ireland, *ordered* (*The O'Conor Don, Mr. Kavanagh, Mr. Shaw, Mr. Mitchell Henry, Lord Charles Beresford, Mr. Parnell*); *presented*, and read the first time [Bill 183.]

ORDERS OF THE DAY.

Medical Act (1858) Amendment (No. 3) Bill [*Lords*] [Bill 121]

Moved, "That the Bill be read a second time To-morrow, at Two of the clock" 506

Question put:—The House *divided*; Ayes 39, Noes 16; Majority 23.—(Div. List, No. 96.)

Hares (Ireland) Bill [Bill 165]—

Moved, "That the Bill be now read a second time,"—(*Mr. Richard Power*) 506

Motion *agreed to*:—Bill read a second time, and *committed* for To-morrow.

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Trustees Relief Bill [Bill 145]—

Moved, "That the Bill be read a second time *To-morrow*, at Two of the clock,"—(*Mr. Wheelhouse*) 507
Second Reading deferred till To-morrow.

WAYS AND MEANS—

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1880, the sum of £6,694,816 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported To-morrow, at Two of the clock; Committee to sit again *To-morrow.*

Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment Bill—Ordered (Sir Matthew Ridley, Mr. Secretary Cross); presented, and read the first time [Bill 184]

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FOREIGN POLICY OF HER MAJESTY'S GOVERNMENT—Observations, The Duke of Argyll; Reply, The Earl of Beaconsfield:—Debate thereon 508

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PRIVATE BUSINESS.

Belfast Water Bill (by Order)—

Order for Consideration, as amended, read 566
 Bill, as amended, *considered*; to be read the third time.

QUESTIONS.

TREATY OF BERLIN—EXECUTION OF ARTICLES—Question, Sir William Harcourt; Answer, The Chancellor of the Exchequer 567
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ORDER OF THE DAY.

Army Discipline and Regulation Bill [Bill 88]—

Bill considered in Committee [Progress 15th May] 571
 After long time spent therein, it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again this day.

The House suspended its Sitting at Seven of the clock.

■ The House resumed its Sitting at Nine of the clock.

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—:0:—

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair:”—

BREWERS’ LICENCES—**MOTION FOR A SELECT COMMITTEE**—

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add
the words “a Select Committee be appointed to inquire into the nature and inci-
dence of the Tax upon Brewers’ Licences,”—(*Mr. Knatchbull-Hugessen*),—instead
thereof

616

Question proposed, “That the words proposed to be left out stand part
of the Question:”—After debate, Question put:—The House *divided*;
Ayes 115, Noes 53; Majority 62.—(Div. List, No. 99.)

Main Question proposed, “That Mr. Speaker do now leave the Chair:”
—Motion, by leave, *withdrawn*:—Committee *deferred* till *Monday* next.

Noxious Gases Bill [Bill 123]—

Moved, “That the Bill be now read a second time,”—(*Mr. Solater-Booth*)

644

Moved, “That the Debate be now adjourned,”—(*Sir Henry James*):—
After short debate, Question put, and *agreed to*:—Debate *adjourned* till
Monday next.

Wormwood Scrubs Regulation Bill [Bill 96]—

Order read, for resuming Adjourned Debate on Question [13th May]:—
Question again proposed:—Debate *resumed*

648

Question put, and *agreed to*:—*Mr. Gordon*, Colonel *Kingscote*, and
Colonel *Lloyd Lindsay* nominated other Members of the Committee.

Medical Act (1858) Amendment Bill [Bill 2]—

Order read, for resuming Adjourned Debate on Amendment proposed
to Question [12th March], “That the Bill be now read a second
time:”—And which Amendment was, to leave out the word “now,”
and at the end of the Question to add the words “upon this day six
months,”—(*Mr. Serjeant Simon*):—Question again proposed:—Debate
resumed

648

Question put, and *agreed to*:—Bill read a second time, and *committed* to
the Select Committee on Medical Act (1858) Amendment (No. 3) Bill
[*Lords*].

Army Discipline and Regulation Bill [Bill 88]—

Order for Committee read:—*Moved*, “That this House will, upon Tues-
day next at Two of the clock, resolve itself into the said Committee,”—
(*Colonel Stanley*)

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After short debate, Question put:—The House *divided*; Ayes 92, Noes
15; Majority 77.—(Div. List, No. 100.)

Hypothec Abolition (Scotland) Bill [Bill 119]—

Order for Consideration, as amended, read 650
Consideration, as amended, *deferred* till *Friday* next.

Dispensaries (Ireland) Bill [Bill 66]—

Bill *considered* in Committee 650
Bill *reported*; as amended, to be considered upon *Monday* next.

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Licensing Laws Amendment Bill [Bill 25]—

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th April], "That the Bill be now read a second time :"—
And which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"
—(*Sir Harcourt Johnstone* :)—Question again proposed :—Debate resumed 651
Question put :—The House divided ; Ayes 48, Noes 30 ; Majority 18.—
(Div. List, No. 101.)
Main Question put, and agreed to :—Bill read a second time, and committed for Tuesday next.

WAYS AND MEANS—

Resolution [May 15] reported, and agreed to :—Ordered, That a Bill be brought in upon the said Resolution ; and that *Mr. Raikes*, *Mr. Chancellor of the Exchequer*, and *Sir Henry Selwin-Ibbetson* do prepare and bring it in. Bill presented, and read the first time.

M O T I O N S .

SUPREME COURT OF JUDICATURE ACTS [SALARIES, &C.]—

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the extension of the provisions of the Supreme Court of Judicature Acts 1873, and 1875, relating to the salaries and pensions of puisne Judges of the High Court of Justice, and of the officers attached to their persons, to any additional Judge who may be appointed under the provisions of any Act of the present Session for amending the Supreme Court of Judicature Acts.

Resolution to be reported upon Monday next.

VOLUNTEER CORPS (IRELAND) [PAY AND ALLOWANCES, &C.]—

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Pay and Allowances, Half Pay, and Pensions to Members of the Volunteer Force, and of pensions to their widows ; also of allowances to Clerks of general meetings of Lieutenancy in Ireland, which may become payable under the provisions of any Act of the present Session, to authorise the enrolment of Volunteer Corps in Ireland.

Resolution to be reported upon Monday next.

COURTS OF JUSTICE BUILDING ACT (1865) AMENDMENT [EXPENSES]—

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any Expenses which may be incurred in keeping order in, cleaning, and in the management and use of, the Royal Courts of Justice, under the provisions of any Act of the present Session to amend "The Courts of Justice Building Act, 1865."

Resolution to be reported upon Monday next.

Local Government (Highways) Provisional Orders (Dorset, &c.) Bill—Ordered

(*Mr. Salt*, *Mr. Selater-Booth*) ; presented, and read the first time [Bill 186] .. 653

Local Government Highways Provisional Orders (Gloucester and Hereford)

Bill—Ordered (*Mr. Salt*, *Mr. Selater-Booth*) ; presented, and read the first time [Bill 185] 653

Tramways Orders Confirmation Bill—Ordered (*Mr. John G. Talbot*, *Viscount*

Sandon) ; presented, and read the first time [Bill 187] .. 653

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TREATY OF BERLIN, ARTICLE 22—OCCUPATION OF BULGARIA AND EASTERN ROUMELIA—MOTION FOR CORRESPONDENCE—

<i>Moved</i> , "That the Correspondence between Her Majesty's Government and other Powers on Article 22 of the Treaty of Berlin be laid upon the Table,"—(<i>The Lord Stratheden and Campbell</i>)	655
After short debate, Motion (by leave of the House) <i>withdrawn</i> .	

LANDED ESTATES COURT (IRELAND)—MOTION FOR RETURNS—

Moved, for, I. Return (in continuation of No. 238, 1876,) showing (1) in Provinces, and (2) in Counties, the Landed Estates held either in fee, fee farm, for lives renewable for ever, or for terms of years of which sixty shall have been unexpired, sold in one or more lots in the Landed Estates Court for each of the years ending respectively 31st December 1876, 1877, and 1878, giving the following particulars in each of the foregoing periods:

- (3) The name of the estate;
- (4) The cost of sale;
- (5) The tenure of each lot;
- (6) The number of each lot;
- (7) The acreage (statute measure) of each lot;
- (8) The profit rent;
- (9) The Poor Law valuation of each lot as set out in the rental filed in the Landed Estates Court;
- (10) The amount of purchase money;
- (11) The number of years purchase:

II. Return, in Provinces and Counties, of Estates sold during the years 1876, 1877, and 1878 in one or more lots in the Landed Estates Court under Part III. of the Landlord and Tenant (Ireland) Act, 1870, in which charging orders have been made in favour of the Board of Works, giving in each case the same particulars as in Return No. I.—(*The Duke of Argyll*.)

Motion *agreed to* :—Returns ordered to be laid before the House.

SOUTH AFRICA—THE ZULU WAR—THE RE-INFORCEMENTS—CONDITION OF THE REGIMENTS—Observations, Lord Truro, Viscount Hardinge; Reply, Viscount Bury :—Short debate thereon	666
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SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—[Progress.] (In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

- (1.) £23,343, to complete the sum for the Patent Office, &c. ..
- (2.) £20,744, to complete the sum for the Paymaster General's Office. ..
- (3.) £8,332, to complete the sum for the Public Works Loan Commission and West India Islands Relief Commission.—After short debate, *Vote agreed to* .. 136
- (4.) £17,420, to complete the sum for the Record Office. ..
- (5.) £38,801, to complete the sum for the Registrar General's Office, England.—After short debate, *Vote agreed to* .. 136
- (6.) Motion made, and Question proposed, "That a sum, not exceeding £377,088, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Stationery, Printing, and Paper, Binding, and Printed Books for the several Departments of Government in England, Scotland, and Ireland, and some Dependencies, and for the two Houses of Parliament, and for the Salaries and Expenses of the Establishment of the Stationery Office, and the cost of Stationery Office Publications, and of the Gazette Offices; and for sundry Miscellaneous Services, including a Grant in Aid of the publication of Parliamentary Debates" .. 137
- After short debate, Motion made, and Question proposed, "That a sum, not exceeding £376,918, be granted, &c."—(*Major Nolan* :)—After further short debate, Motion, by leave, *withdrawn*.
- Original Question again proposed .. 145
- Motion made, and Question proposed, "That a sum, not exceeding £372,088, be granted, &c."—(*Sir Patrick O'Brien* :)—After short debate, Motion, by leave, *withdrawn*.
- After further short debate, Original Question put, and *agreed to*.
- (7.) £19,388, to complete the sum for the Woods, Forests, &c., Office.—After short debate, *Vote agreed to* .. 149
- (8.) £33,684, to complete the sum for the Works and Public Buildings Office.—After short debate, *Vote agreed to* .. 150
- (9.) Motion made, and Question proposed, "That a sum, not exceeding £19,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Her Majesty's Foreign and other Secret Services" .. 151
- Motion made, and Question proposed, "That a sum, not exceeding £14,100, be granted, &c."—(*Mr. Rylands* :)—After short debate, Question put :—The Committee *divided*; Ayes 59, Noes 155; Majority 96.—(Div. List, No. 87.)
- Original Question put, and *agreed to*.
- (10.) Motion made, and Question proposed, "That a sum, not exceeding £5,246, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue" .. 155
- Motion made, and Question proposed, "That a sum, not exceeding £5,028, be granted, &c."—(*Sir Andrew Lusk* :)—After short debate, Question put :—The Committee *divided*; Ayes 30, Noes 107; Majority 77.—(Div. List, No. 88.)
- Original Question put, and *agreed to*.
- (11.) Motion made, and Question proposed, "That a sum, not exceeding £10,783, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Fishery Board in Scotland, and certain Grants in Aid of Piers or Quays" .. 159
- After short debate, Motion made, and Question proposed, "That a sum, not exceeding £5,783, be granted, &c."—(*Mr. O'Donnell* :)—After further debate, Question put, and *negatived*.
- Original Question put, and *agreed to*.
- (12.) £4,621, to complete the sum for the Lunacy Commission, Scotland. ..
- (13.) £5,409, to complete the sum for the Registrar General's Office, Scotland.—After short debate, *Vote agreed to* .. 178
- (14.) Motion made, and Question proposed, "That a sum, not exceeding £15,523, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Board of Supervision for Relief of the Poor, and for Expenses under the Public Health and Vaccination Acts, including certain Grants in Aid of Local Taxation in Scotland" .. 180

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- will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Police Courts of London and Sheerness" 716
 Motion made, and Question proposed, "That a sum, not exceeding £1,763, be granted, &c."—(*Mr. Chamberlain* :)—After short debate, Question put :—The Committee divided : Ayes 38, Noes 74; Majority 36.—(Div. List, No. 103.)
 Original Question put, and agreed to.
 (13.) Motion made, and Question proposed, "That a sum, not exceeding £352,800, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for contribution towards the Expenses of the Metropolitan Police, and of the Horse Patrol and Thames Police, and for the Salaries of the Commissioner, Assistant Commissioners, and Receiver" 725
 Motion made, and Question proposed, "That a sum, not exceeding £252,800, be granted, &c."—(*Mr. Chamberlain* :)—After short debate, Motion, by leave, withdrawn.
 Original Question put, and agreed to.
 (14.) £890,148, to complete the sum for Police, Counties and Boroughs (Great Britain.)
 —After debate, Vote agreed to 729
 (15.) Motion made, and Question proposed, "That a sum, not exceeding £359,126, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the superintendence of Convict Establishments, and for the Maintenance of Convicts in Convict Establishments in England and the Colonies" 743
 After short debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Parnell* :)—Motion, by leave, withdrawn.
 After further short debate, Original Question put, and agreed to.

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again upon *Wednesday*.

Customs and Inland Revenue Bill [Bill 150]—

Moved, "That the Bill be now read a second time,"—(*Mr. Chancellor of the Exchequer*) 756

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will not recognize or accept as binding any Treaty or other engagements entered into by Her Majesty's Ministers which might forestall or limit the control of this House over the financial resources and taxation of this Country, until full information as to such contemplated engagements has been laid upon the Table of this House, and this House shall have had the opportunity of expressing an opinion thereon,"—(*Mr. Newdegate*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question :"—After debate, Motion, by leave, *withdrawn*.

Main Question put, and agreed to :—Bill read a second time, and committed for *To-morrow*, at Two of the clock.

Valuation of Lands and Assessments (Scotland) Bill [Bill 144]

Bill considered in Committee 783
 After short time spent therein, Bill reported; as amended, to be considered upon *Thursday*.

Great Seal Bill [Lords] [Bill 180]—

Moved, "That the Bill be now read a second time,"—(*Mr. Attorney General*) 788
 After short debate, Motion agreed to :—Bill read a second time, and committed for *Thursday*.

Indian Marine Bill [Bill 182]—

Moved, "That the Bill be now read a second time,"—(*Mr. Edward Stanhope*) 791
Moved, "That the Debate be now adjourned,"—(*Mr. Whitwell* :)—After short debate, Question put, and agreed to :—Debate adjourned till *To-morrow*, at Two of the clock.

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read 1 ^a (No. 84)	229

COMMONS, TUESDAY, MAY 13.

PRIVATE BUSINESS.

City of London School Bill [Lords]—

- Moved*, "That the City of London School Bill be referred to a Select Committee, Three to be nominated by the House, and two by the Committee of Selection.
- "That all Petitions against the Bill, presented on or before the 17th instant, be referred to the Committee, and that such Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against such Petitioners.
- "That the Committee have power to send for persons, papers, and records:—That Three be the quorum,"—(*Mr. Raikes*) 231
- Motion agreed to.*

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1858—Question, Sir William Harcourt; Answer, The Chancellor of	
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Mr. Dillwyn	240

MOTIONS.

PREROGATIVE OF THE CROWN—RESOLUTION—

- Moved*, "That to prevent the growing abuse by Her Majesty's Ministers of the prerogative and influence of the Crown, and consequent augmentation of the power of the Government in enabling them, under cover of the supposed personal interposition of the Sovereign, to withdraw from the cognizance and control of this House matters

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Customs and Inland Revenue Bill [Bill 150]— Order for Committee read	887
Resolution [5th May] read, as followeth :— “That it is expedient to amend the Laws relating to the Customs and Inland Revenue.” <i>Instruction</i> to the Committee on the Customs and Inland Revenue Bill, That they have power to make provision therein pursuant to the said Resolution. Bill considered in Committee. Committee report Progress; to sit again upon <i>Thursday</i> . The House suspended its Sitting at Seven of the clock. The House resumed its Sitting at Nine of the clock.	

MOTIONS.

PROBATE, LEGACY, AND SUCCESSION DUTIES—RESOLUTION— <i>Moved</i> , “That, in the opinion of this House, it is expedient that in lieu of Probate and Administration Duty, which is now payable according to unequal rates, upon the personal estate of deceased persons, and in lieu of Legacy Duty, which is now payable at various rates and various times in respect of each separate gift by will, and each separate share of an intestate’s estate, one Duty only should be levied, at a uniform rate, upon the value of the personal estate of every deceased person,”—(<i>Mr. Dodds</i>)	887
Amendment proposed, To leave out from the word “expedient” to the end of the Question, in order to add the words “to reconsider and revise the progressive rates of Probate and Administration Duty, and to afford greater facilities for the assessment and settlement of Legacy and Succession Duties upon future or contingent events, and for the relief of executors, administrators, and trustees in respect of the same,”—(<i>Mr. Gregory</i>),—instead thereof.	
Question proposed, “That the words proposed to be left out stand part of the Question :”—After debate, Question put :—The House <i>divided</i> ; Ayes 59, Noes 131 ; Majority 72.—(Div. List, No. 105.) Words added :—Main Question, as amended, put :—The House <i>divided</i> ; Ayes 131, Noes 24; Majority 107.—(Div. List, No. 106.) <i>Resolved</i> , That, in the opinion of this House, it is expedient to reconsider and revise the progressive rates of Probate and Administration Duty, and to afford greater facilities for the assessment and settlement of Legacy and Succession Duties upon future or contingent events, and for the relief of executors, administrators, and trustees in respect of the same.	
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<i>Ordered</i> , That Committees shall not sit To-morrow, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House,—(<i>Mr. Chancellor of the Exchequer</i>)	930

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University Education (Ireland) Bill [Bill 183]—	
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To leave out from the word "That" to the end of the Question, in order to add the words "while this House recognises that the funds set free by the disestablishment of the Irish Church should be devoted to the benefit of the people of Ireland, provided they are not again applied to the support of any sectarian religion, it is not desirable to devote additional public funds to the further promotion of higher education in Ireland till adequate provision is first made for elementary teaching in that Country without aid from Imperial funds exceeding that given to other parts of the United Kingdom,"—(<i>Sir George Campbell</i>),—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After long debate, <i>Moved</i> , "That the Debate be now adjourned,"—(<i>Mr. Synan</i> :)—After further short debate, Motion <i>agreed to</i> :—Debate <i>adjourned till To-morrow</i> .	

Entail (Scotland) Bill—Ordered (<i>Mr. James Barclay, Mr. Mackintosh</i>) : <i>presented</i> , and read the first time [Bill 193]	1003
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Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "this House, regarding with apprehension the present state of Indian Finance, approves the decision to reduce Expenditure,"—(<i>Mr. Fawcett</i> :)—instead thereof.	
Question proposed, "That the words proposed to be left out stand part of the Question :"—After debate, Amendment, by leave, <i>withdrawn</i> .	
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<i>Moved</i> , "That the Debate be now adjourned,"—(<i>Sir George Campbell</i> :)—	
Motion <i>agreed to</i> :—Debate <i>adjourned</i> till <i>To-morrow</i> .	
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Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, compensation should be made to clerks of the peace, now paid by fees, for the diminution of their incomes which will be caused by the provisions of this Bill,"—(*Mr. Morgan Lloyd*,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question :"—After short debate, Question put, and *agreed to*.

Main Question, "That the Bill be now taken into Consideration," put, and *agreed to* :—Bill, as amended, *considered*.

Further Amendments made :—Bill to be read the third time *To-morrow*.

GREAT SEAL [SALARY]—

Order for Committee read :—*Moved*, "That Mr. Speaker do now leave the Chair,"—(*Sir Henry Selwin-Ibbetson*) 1109

After short debate, Question put :—The House *divided*; Ayes 22, Noes 13; Majority 9.—(Div List, No. 108.)

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Matter *considered* in Committee.

(In the Committee.)

Resolved, That it is expedient to authorize the payment, out of moneys to be provided by Parliament, of additional Salary to any Officer which may become payable under the provisions of any Act of the present Session to amend the Law respecting the manner of passing Grants under the Great Seal, and respecting Officers connected therewith.

Resolution to be reported *To-morrow*.

Costs Taxation (House of Commons) Bill [Bill 190]—

Moved, "That the Bill be now read a second time,"—(*Mr. Raikes*) .. 1109

Motion *agreed to* :—Bill read a second time, and *committed* for *To-morrow*.

LORDS, FRIDAY, MAY 23.

Children's Dangerous Performances Bill (No. 64)—

Moved, "That the Bill be now read 2^a,"—(*The Earl De La Warr*) .. 1110

After short debate, Motion *agreed to* :—Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

THE METROPOLITAN WATER SUPPLY AND FIRE BRIGADE—REPORT OF THE SELECT COMMITTEE—MOTION FOR PAPERS—

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After short debate, Motion *agreed to*.

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Statute Law Revision (Ireland) Bill (No. 80)—

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Motion *agreed to* :—Bill read 2^a (according to Order), and *committed* to a Committee of the Whole House on *Monday* next.

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Thames River (Prevention of Floods) Bill—

Moved, "That the Bill be now read a third time,"—(*Sir James M'Garel Hogg*) .. 1134
 After short debate, Motion *agreed to* (Prince of Wales's *Consent*, as Duke of Cornwall, signified):—Bill read the third time, and *passed*.

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SUPPLY—Order for Committee read; Motion made, and Question proposed,
 "That Mr. Speaker do now leave the Chair:"—

THE BRITISH INDIAN ASSOCIATION—RESOLUTION—Amendment proposed,
 To leave out from the word "That" to the end of the Question, in order to add the
 words "this House regrets that Lord Lytton and his advisers have shown such
 unwise disrespect for the sentiments of a vast population, which is at the same time
 deprived of all constitutional representation, and subject to a harsh and grinding
 taxation of the most oppressive kind,"—(*Mr. O'Donnell*),—instead thereof .. 1142

Question proposed, "That the words proposed to be left out stand part of
 the Question:"—After short debate, Question put:—The House
divided; Ayes 215, Noes 36; Majority 179.—(*Div. List, No. 109.*)

Main Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE NETTERVILLE TRUST PROPERTY—THE LOUTH INSTITUTION—Observa-
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 EAST INDIA [LOAN]—	
<i>Considered</i> in Committee.	
(In the Committee.)	
<i>Moved</i> , "That it is expedient to authorise the Secretary of State in Council of India to raise in the United Kingdom any sum or sums of money, not exceeding £10,000,000, for the service of the Government of India, on the security of the Revenues of India,"—(<i>Mr. E. Stanhope</i>)	1199
Amendment proposed, to leave out "£10,000,000," in order to insert "£5,000,000,"—(<i>Mr. Edward Stanhope</i>),—instead thereof.	
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 Costs Taxation (House of Commons) Bill [Bill 190]—	
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Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee, and <i>reported</i> , without Amend- ment; to be read the third time upon <i>Monday</i> next.	
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Moved to resolve—

- "1. That the military system of brigade depôts or sub-districts introduced in the year 1872 has proved a source of expense to this country incommensurate with its general results, and that steps should therefore be taken for their gradual absorption or diminution in number.
- "2. That the present state of our military organisation is a source of immediate anxiety quite irrespective of the extreme youth of the regular forces of the Army occasioned by enlistment for short service; and that in view of the various reports on the subject of the several Committees already appointed by successive Secretaries of State for War, this House hears with concern the intimation that Her Majesty's Government are unprepared with any remedial measures without the preliminary investigation of a further additional Committee,"—(*The Earl of Galloway.*)

After short debate, Motion (by Leave of the House) *withdrawn.*

Consolidated Fund (No. 3) Bill—

Read 2^a (according to order); Committee *negatived*; Then Standing Orders Nos. XXXVII. and XXXVIII. *considered* (according to order), and *dispensed with*; Bill read 3^a, and *passed.*

COMMONS, MONDAY, MAY 26.

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—o:—

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES [*Progress.*] (In the Committee.)

CLASS III.—LAW AND JUSTICE.

- (1.) Motion made, and Question proposed, "That a sum, not exceeding £339,680, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Commissioners and other Officers appointed under the 6th and 7th Sections of the Prison Act, 1877, and the Expenses of the several Prisons in England and Wales to which that Act applies" 1266
 After debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Parnell:)—After further debate, Motion, by leave, *withdrawn*.
 Original Question again proposed 1287
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 Original Question again proposed 1295
 After debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. O'Connor Power:)—After further short debate, Motion, by leave, *withdrawn*.
 Original Question put, and *agreed to*.
- (2.) Motion made, and Question proposed, "That a further sum, not exceeding £1,101,400, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1880, viz.:—[Then the several Services are set forth] 1322
Moved, "That the Chairman do now leave the Chair,"—(Mr. O'Connor Power:)—After short debate, Motion, by leave, *withdrawn*.
 Original Question put, and *agreed to*.

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EAST INDIA [LOAN]—

Resolution [May 23] *reported* .. 1325
 After short debate, Resolution *agreed to*:—Bill ordered (*Mr. Raikes, Mr. Edward Stanhope, Mr. Chancellor of the Exchequer*); *presented*, and read the first time [Bill 197.]

Public Health Act (1875) Amendment Bill [Bill 33]—

Bill *considered* in Committee. [*Progress, 7th April*] .. 1326
 (In the Committee.)

After short time spent therein, Committee report Progress; to sit again upon *Thursday 12th June*.

EAST INDIA LOAN [CONSOLIDATED FUND]—

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the Commissioners of Her Majesty's Treasury to issue, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the sum of two million pounds sterling, during the year ending on the 31st day of March 1880, by way of Loan, to the Secretary of State in Council of India. Resolution to be reported *To-morrow*, at Two of the clock.

Conveyancing and Land Transfer (Scotland) Act (1874) Amendment Bill—

Ordered (*Mr. Yeaman, Mr. Baxter, Dr. Cameron*); *presented*, and read the first time [Bill 198] .. 1328

Lord Clerk Register (Scotland) Bill—*Ordered* (*The Lord Advocate, Mr. Secretary Cross*);

presented, and read the first time [Bill 196] .. 1328

Grand Juries (Ireland) Bill—*Ordered* (*Mr. James Lowther, Mr. Attorney General for Ireland*);

presented, and read the first time [Bill 199] .. 1328

LORDS, TUESDAY, MAY 27.

PRIVATE BILLS—

Ordered, That the time for the Second Reading of any Private Bill brought from the House of Commons, limited by the Order of the 4th day of March last to the 10th day of June next, be extended to the 17th day of June next.

PRIVATE AND PROVISIONAL ORDER CONFIRMATION BILLS—

Ordered, That Standing Orders Nos. 92. and 93. be suspended; and that the time for depositing petitions praying to be heard against Private and Provisional Order Confirmation Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess.

SOUTH AFRICA—NATAL AND THE TRANSVAAL—APPOINTMENT OF SIR GARNET

WOLSELEY AS HIGH COMMISSIONER—Questions, Observations, The Earl of Carnarvon; Reply, Earl Cadogan; Question, The Earl of Kimberley; Answer, Earl Cadogan .. 1329

West Donegal Railway Bill [H.L.]—

Moved, "That the House do now resolve itself into Committee" .. 1331

After short debate, Motion *agreed to*:—House in Committee accordingly.

Amendments made; the Report thereof to be received on *Thursday* next.

Prosecution of Offences Bill (No. 74)—

Moved, "That the Bill be now read 2^a,"—(*The Lord Chancellor*) .. 1335

After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Friday* next.

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—MOTION FOR PAPERS—	
<i>Moved</i> , "That an humble address be presented to Her Majesty for, Copy of the Treaty of 1855 between the Sultan of Johor and his Tumonggong, and for the correspondence respecting Muar since the death of the late Sultan of Johor,"—(<i>The Lord Stanley of Alderley</i>)	1341
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M O T I O N S .

THE WHITSUNTIDE RECESS—

Moved, "That this House, at its rising, do adjourn until Monday 9th June,"—(*Mr. Chancellor of the Exchequer*) .. 1364

SOUTH AFRICA—THE ZULU WAR—Observations, Mr. Sullivan:—Debate thereon 1364

AGRICULTURAL DEPRESSION IN IRELAND—Observations, Mr. O'Donnell .. 1389
Amendment proposed, to leave out "9th," in order to insert "2nd,"—(*Mr. O'Donnell*,)—instead thereof.

Question proposed, "That '9th' stand part of the Question:"—After short debate, *Amendment*, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolved, That this House, at its rising, do adjourn until Monday 9th June.

O R D E R S O F T H E D A Y .

EAST INDIA LOAN [CONSOLIDATED FUND]—

Resolution [May 26] *reported* .. 1399

After short debate, *Resolution agreed to*:—*Bill ordered* (*Mr. Raikes, Mr. Edward Stanhope, Mr. Chancellor of the Exchequer*.)

Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster) Improvement Provisional Orders Confirmation Bill [*Lords*]—

Bill considered in Committee, and *reported*, with an Amendment .. 1400

Moved, "That the Bill, as amended, be considered upon Tuesday 10th June, at Two of the clock:"—After short debate, *Motion agreed to*.

Hypothec Abolition (Scotland) Bill [Bill 119]—

Moved, "That the Bill, as amended, be now taken into Consideration,"—(*Mr. Vans Agnew*) .. 1401

After short debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Ernest Noel*):—After further short debate, it being 10 minutes before Seven of the clock, the Debate stood adjourned till *this day*.

LORDS, THURSDAY, MAY 29.

CONTAGIOUS DISEASES (ANIMALS) ACT, 1878—AMERICAN PIGS—Question, The Earl of Belmore; Answer, The Duke of Richmond and Gordon .. 1406

Omnibus Regulation Bill (No. 41)—

Committee put off to Tuesday the 17th of June next .. 1406

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Children's Dangerous Performances Bill (No. 64)—	
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CRIMINAL LAW—31 VICT. C. 24—EXECUTION OF CATHERINE CHURCHILL AT TAUNTON—ADMISSION OF THE PRESS—Question, Observations, Lord Houghton; Reply, Earl Beauchamp:—Short debate thereon ..	
	1412
Metropolitan Public Carriage Act Amendment Bill [H.L.]—Presented (The Lord Steward); read 1^a (No. 105) ..	
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LORDS, FRIDAY, MAY 30.

ARMY—ARMY ORGANIZATION—THE COMMITTEE—Question, Observations, Lord Truro; Reply, The Lord Chancellor ..	1416
---	------

Hares (Ireland) Bill (No. 89)—

<i>Moved</i> , "That the Bill be now read 3 ^a ,"—(<i>The Viscount Massereens</i>) ..	1417
<i>Motion agreed to</i> :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Monday</i> the 16th of <i>June</i> next.	

ARMY—THE CONDITION OF THE ARMY AND THE SHORT-SERVICE SYSTEM—

Address for Papers (<i>Lord Strathnairn</i>) ..	1418
After short debate, Motion amended, and agreed to.	

Resolved, That an humble Address be presented to Her Majesty for,

1. The number and their rank of officers of battalions on foreign service or on first appointment on the Linked Battalion system who since the 1st of April 1876 have served at Brigade Depôts, and how long; also the number of rank and file and of non-commissioned officers, being the respective strength of the companies forming the Brigade Depôts, including non-effectives, and their employment; and also the average monthly strength of a Brigade Depôt:
2. The number since the 1st of April 1876 of Brigade Depôt parades and drills, stating what drills, or movements under the colonel commandant of the four Depôt Companies, including the Auxiliary Forces, Militia, &c.:
3. The annual expense of the colonels commandant, the officers, non-commissioned officers, and men of the Brigade Depôts actually and practically formed together, with the expense of concentration of troops, if any, travelling, officers mess, and other miscellaneous expenses attendant on the Brigade Depôt system:
4. The armed force, whether line, brigade depôt, first class army reserve, militia, yeomanry, volunteers, or pensioners whom the colonel commandant is authorised to inspect or call out for drill purposes in his sub-district, or for aid, if necessary, to the civil power:
5. The armed force and of what description in a sub-district under the orders of its colonel commandant:
6. Whether the first class army reserve men are concentrated in a sub-district at the Brigade Depôt stations for their seven days annual instruction, and, if not, where and by whom drilled, and in what drill:
7. Number of recruits since 1871 tried for fraudulent enlistment, that is for having sworn, although under age, in their attestation papers that they were of the proper age; and what steps have been taken to prevent the award of "bringing money" for fraudulent enlistments:
8. Any battalion, which on account of the Linked Battalion system and of the necessity of its being at home in order to relieve its linked or other battalion at the termination of its foreign service, or on account of any other cause, has been ordered home in breach of the rules of the Regulation Foreign Service Roster before the completion of its foreign service:
9. Return in continuation of a Return to an Address of the House of Lords, dated the 28th of February 1876:
10. Return of Double or Linked Battalions at home being stationed in the district or sub-district of their Brigade Depôt or Centre:

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ARMY—THE CONDITION OF THE ARMY AND THE SHORT-SERVICE SYSTEM—continued.

11. Any reports of the opinions of general officers commanding districts at home or in command of troops abroad of the disadvantages of the under age of the men under their command :
12. A Return of the First Class Army Reserve men who have volunteered lately, specifying whether they were in civil employment or without it,—(*The Lord Strathnairn.*)

CHURCH OF ENGLAND—GLEBE LANDS—MOTION FOR A RETURN—

Moved for, “A Return from the Ecclesiastical Commissioners and from the Governors of Queen Anne’s Bounty of all sales of lands belonging to or held in trust for parochial benefices or districts which have been effected or assented to by them respectively during the last ten years, specifying in each case the amount of land sold, the rental of the same, and the price obtained for it; also the like particulars of all cases in which sales have been refused within the same period,”—(*The Bishop of Peterborough*) 1427

Motion agreed to :—Return ordered to be laid before the House.

Convention (Ireland) Act Repeal Bill (No. 77)—

Moved, “That the Bill be now read 2^a,”—(*The Lord O’Hagan*) .. 1428

Motion agreed to :—Bill read 2^a accordingly, and committed to a Committee of the Whole House on *Monday the 16th of June* next.

COMMONS, MONDAY, JUNE 9.

QUESTIONS.

INDIA — RETURN OF ECCLESIASTICAL SALARIES — Question, Mr. Baxter;	
Answer, Mr. E. Stanhope	1430
TREATY OF BERLIN—THE 23RD ARTICLE—THE EUROPEAN PROVINCES OF	
TURKEY—Question, Sir George Campbell; Answer, Mr. Bourke	1430
POOR LAW (IRELAND)—THE MONAGHAN BOARD OF GUARDIANS—Question,	
Mr. Callan; Answer, Mr. J. Lowther	1431
SOUTH AFRICA—THE ZULU WAR—OVERTURES OF PEACE—DETENTION OF	
MESSENGERS—Question, Sir Wilfrid Lawson; Answer, Sir Michael	
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PARLIAMENT — BUSINESS OF THE HOUSE — Questions, The Marquess of	
Hartington, Mr. Callan; Answers, The Chancellor of the Exchequer,	
Sir Henry Selwin-Ibbetson	1433

ORDERS OF THE DAY.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES [*Progress.*]
(In the Committee.)

CLASS III.—LAW AND JUSTICE.

- (1.) Motion made, and Question proposed, “That a sum, not exceeding £129,351, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Expense of the Maintenance of Juvenile Offenders in Reformatory, Industrial, and Day Industrial Schools in Great Britain, and for the Salaries and Expenses of the Inspectors of Reformatories 1434
- Motion made, and Question proposed, “That the Item of £112,000, for Industrial Schools, England, be reduced by the sum of £6,891,”—(*Mr. James Stewart.*)—
- After short debate, Motion, by leave, *withdrawn.*
- After further debate, Original Question put, and *agreed to.*
- (2.) Motion made, and Question proposed, “That a sum, not exceeding £20,125, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England” 1449

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SUPPLY—CIVIL SERVICE ESTIMATES—Committee—continued.

- Motion made, and Question proposed, "That a sum, not exceeding £18,126, be granted, &c.,"—(*Mr. Rylands* :)—After short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (3.) £49,613, to complete the sum for the Lord Advocate and Criminal Proceedings, Scotland.—After short debate, Vote *agreed to* .. 1460
- (4.) £45,931, to complete the sum for Courts of Law and Justice, Scotland.—After short debate, Vote *agreed to* .. 1464
- (5.) Motion made, and Question proposed, "That a sum, not exceeding £27,268, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Offices in Her Majesty's General Register House, Edinburgh" .. 1471
- After short debate, Motion made, and Question proposed, "That a sum, not exceeding £26,268, be granted, &c.,"—(*Mr. Fraser-Mackintosh* :)—After further short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (6.) Motion made, and Question proposed, "That a sum, not exceeding £63,433, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Expenses of the Prison Commissioners for Scotland, and of the Prisons under their control, including the Maintenance of Criminal Lunatics and the Preparation of Judicial Statistics" .. 1484
- After short debate, Motion made, and Question proposed, "That the item of £140, for Salary of Scripture Reader in Perth Prison, be omitted from the proposed Vote,"—(*Mr. Biggar* :)—After further short debate, Question put :—The Committee *divided* : Ayes 4, Noes 162 ; Majority 148.—(Div. List, No. 112.)
Original Question again proposed .. 1509
- After short debate, Motion made, and Question proposed, "That the Item of £200 for the Salaries of Female Scripture Readers in Perth Prison be reduced by £100,"—(*Mr. Biggar* :)—After further short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- Motion made, and Question proposed, "That a sum, not exceeding £65,521, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, of Criminal Prosecutions and other Law Charges in Ireland, including certain Allowances under the Act 15 and 16 Vic. c. 83" .. 1510
- Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Parnell* :)—After short debate, Motion, by leave, *withdrawn*.
Original Motion, by leave, *withdrawn*.
- (7.) £28,888, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.
- (8.) £8,387, to complete the sum for Probate, &c. Registries, Ireland.
- (9.) Motion made, and Question proposed, "That a sum, not exceeding £7,574, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and the incidental Expenses of the Court of Bankruptcy in Ireland" .. 1513
- After short debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Rylands* :)—After further short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (10.) £1,196, to complete the sum for the Admiralty Court Registry, Ireland.

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

- (11.) Motion made, and Question proposed, "That a sum, not exceeding £289,772, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Superannuation and Retired Allowances to Persons formerly employed in the Public Service, and for Compassionate or other Special Allowances and Gratuities awarded by the Commissioners of Her Majesty's Treasury" .. 1517
- Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Whitwell* :)—After short debate, Question put :—The Committee *divided* : Ayes 30, Noes 120 ; Majority 90.—(Div. List, No. 113.)
After further short debate, Original Question put, and *agreed to*.

Resolutions to be reported *To-morrow*, at Two of the clock ; Committee to sit again upon *Wednesday*.

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Customs and Inland Revenue Bill [Bill 150]—

Bill *considered* in Committee [*Progress 20th May*] 1518
After some time spent therein, Committee report Progress; to sit again upon *Thursday* next.

Supreme Court of Judicature Acts Amendment Bill [Lords]—

Bill *considered* in Committee [Bill 134] 1541
Committee report Progress; to sit again upon *Thursday*.

M O T I O N S .

Spirits Bill—

Acts read; *considered* in Committee.

(In the Committee.)

Moved, "That the Chairman be directed to move the House, that leave be given to bring in a Bill to consolidate the Law relating to the distilling, rectifying, or compounding, and dealing in or retailing spirits,"—(*The Attorney General*) 1541

Motion *agreed to*:—Resolution *reported*:—Bill *ordered* (*Mr. Attorney General, Sir Henry Selwin-Ibbetson*); *presented*, and read the first time [Bill 203.]

Linen and Hempen Manufactures (Ireland) Bill—Acts read; *considered* in Committee; Resolution *agreed to*, and *reported*:—Bill *ordered* (*Mr. James Lowther, Mr. Attorney General for Ireland*); *presented*, and read the first time [Bill 202] 1542

POOR REMOVAL—

Select Committee *nominated*:—List of the Committee 1542

Medical Act (1858) Amendment (No. 3) Bill—

Select Committee *nominated*:—List of the Committee 1542

COMMONS, TUESDAY, JUNE 10.

PRIVATE BUSINESS.

Felixstowe Railway and Pier Bill [Lords] (by Order)—

Moved, "That the Bill be now read a second time" 1543

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Colonel Jervis*.)

Question proposed, "That the word 'now' stand part of the Question:"

—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Bill read a second time, and *committed*.

Q U E S T I O N S .

RAILWAYS—THE BOARD OF INLAND REVENUE—SEASON TICKETS—Question, Mr. W. H. James; Answer, The Chancellor of the Exchequer .. 1548
ITALY—THE ITALIAN POLICE—Question, Sir Eardley Wilmot; Answer, Mr. Bourke 1548
THE CUSTOM HOUSE—SANITARY IMPROVEMENTS—Question, Mr. Fawcett; Answer, Sir Henry Selwin-Ibbetson 1549
CYPRUS—ADMINISTRATION OF THE ISLAND—Question, Sir Julian Goldsmid; Answer, Mr. Bourke 1550

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ARMY ORGANIZATION — THE DEPARTMENTAL COMMITTEE — Question, Mr. Gourley; Answer, Colonel Stanley ..	1551
PARLIAMENT — ARRANGEMENT OF PUBLIC BUSINESS — Question, Sir David Wedderburn; Answer, The Chancellor of the Exchequer ..	1551
SOUTH AFRICA—THE ZULU WAR—Questions, Sir Robert Peel, Sir Julian Goldsmid; Answers, Colonel Stanley ..	1552
ARMY ORGANIZATION — THE DEPARTMENTAL COMMITTEE — Observations, Mr. Gourley ..	1553
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Gourley</i> :)—After short debate, Question put, and <i>negatived</i> .	
SOUTH AFRICA—THE ZULU WAR—INSTRUCTIONS TO SIR GARNET WOLSELEY —Question, Mr. Parnell; Answer, The Chancellor of the Exchequer ..	1562

ORDER OF THE DAY.

Army Discipline and Regulation Bill [Bill 88]—

Bill *considered* in Committee [*Progress 8th May*] .. 1563
 After long time spent therein, it being ten minutes before Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

MOTIONS.

LONDON SCHOOL BOARD EXPENDITURE—RESOLUTION—

Moved, "That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist,"—(*Mr. Reginald Yorke*) .. 1624

After long debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Mundella* :)—After further short debate, Motion *agreed to* :—Debate *adjourned* till *Monday* next.

Metropolitan Board of Works (Water Expenses) Bill—*Ordered* (*Sir James M'Garel Hogg, Sir Charles W. Dilke, Mr. Rodwell*); *presented*, and read the first time [Bill 204] 1649

COMMONS, WEDNESDAY, JUNE 11.

ORDER OF THE DAY.

Hours of Polling (Boroughs) Bill [Bill 11]—

Moved, "That the Bill be now read a second time,"—(*Mr. Chamberlain*) 1650
 Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Ascheton*.)

Question proposed, "That the word 'now' stand part of the Question :"
 —After long debate, Question put :—The House *divided*; Ayes 165, Noes 190; Majority 25.—(*Div. List, No. 117.*)

Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for three months.

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MOTION.

CONTAGIOUS DISEASES ACTS—

Select Committee appointed, "to inquire into the Contagious Diseases Acts, 1866—1869, their administration, operation, and effect:—List of the Committee.

Ordered, That all Reports and Returns thereto relating be referred to the said Committee.

Ordered, That it be an Instruction to the Committee, that they have power to receive Evidence which may be tendered concerning similar systems in British Colonies or in other Countries, and to report whether the said Contagious Acts should be maintained, extended, amended, or repealed,—(Colonel Stanley) .. 1696

COMMONS, THURSDAY, JUNE 12.

QUESTIONS.

SOUTH AFRICA—THE ZULU WAR—ESTIMATE OF EXPENDITURE—Questions, Mr. Childers, Sir George Campbell; Answer, The Chancellor of the Exchequer ..	1695
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THE ANNUAL FINANCIAL STATEMENT—Question, Mr. J. G. Hubbard; Answer, The Chancellor of the Exchequer ..	1697
NORTHERN BORNEO—CESSION OF LAND, &c.—Questions, Sir Charles W. Dilke, Mr. W. E. Forster; Answer, Mr. Bourke ..	1698
AFRICA—WEST COAST—SIERRA LEONE CUSTOMS DUTIES—Question, Mr. A. M'Arthur; Answer, Sir Michael Hicks-Beach ..	1699
Ceylon—FOOD SCARCITY—Question, Mr. Potter; Answer, Sir Michael Hicks-Beach ..	1700
INDIA—THE KIRWEE PRIZE MONEY—Question, General Shute; Answer, Mr. E. Stanhope ..	1701
ARMY DISCIPLINE AND REGULATION BILL—LEGISLATION AS TO BOOTY OF WAR—Question, General Shute; Answer, Colonel Stanley ..	1701
POST OFFICE—EASTERN MAIL CONTRACT—Questions, Sir George Campbell; Answers, Lord John Manners ..	1702
CHURCH OF SCOTLAND—RETURN OF COMMUNICANTS—Question, Mr. Macdonald; Answer, The Lord Advocate ..	1702
CUSTOMS RE-ORGANIZATION—Question, Mr. Sullivan; Answer, Sir Henry Selwin-Ibbetson ..	1703
HIGH COURT OF JUSTICE (IRELAND)—BUSINESS IN THE CHANCERY DIVISION—Question, Mr. Sullivan; Answer, The Attorney General for Ireland ..	1703
SLAVE TRADE IN SOUTH AFRICA—TREATY WITH PORTUGAL—Question, Mr. Anderson; Answer, Mr. Bourke ..	1703
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CYPRUS—THE NEW COINAGE—Question, Mr. Thomson Hankey; Answer, The Chancellor of the Exchequer ..	1705
CYPRUS—REVENUE AND EXPENDITURE ACCOUNTS—Question, Mr. Dodson; Answer, Mr. Bourke ..	1705
LAW OF COPYRIGHT—LEGISLATION—Question, Mr. Hanbury Tracy; Answer, Lord John Manners ..	1706
NAVY—PENSIONS OF SERGEANTS OF ROYAL MARINES—Question, Mr. Knatchbull-Hugessen; Answer, Mr. W. H. Smith ..	1706
ARMY—COMPULSORY RETIREMENT—THE ROYAL WARRANT OF MAY, 1878—Question, Mr. Stacpoole; Answer, Colonel Stanley ..	1707
POST OFFICE—SOLDIERS LETTERS FROM SOUTH AFRICA—Questions, Mr. Oliver Walker, General Shute; Answer, Lord John Manners ..	1707

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SOUTH AFRICA—THE ZULU WAR—ALLEGED CRUELTY OF THE BRITISH TROOPS—Question, Mr. O'Donnell; Answer, Sir Michael Hicks-Beach	1708
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. O'Donnell</i> :)—After short debate, Motion, by leave, <i>withdrawn</i> .	
CRIMINAL LAW—CIRCULATION OF DISGUSTING LITERATURE—Question, Mr. O'Donnell; Answer, Mr. Assheton Cross ..	1718
CRIMINAL CODE (INDICTABLE OFFENCES) BILL—REPORT OF THE COMMISSIONERS—Question, Sir Henry James; Answer, The Attorney General	1719
DEBTORS ACT (1869) AMENDMENT BILL—Question, Mr. M. T. Bass; Answer, The Attorney General ..	1719
UNREFORMED MUNICIPAL CORPORATIONS—REPORT OF THE COMMISSION—Question, Mr. Whitwell; Answer, Mr. Assheton Cross ..	1720
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FRANCE—DEMONETISATION OF SILVER—Question, Mr. Errington; Answer, Mr. Bourke ..	1720
SOUTH AFRICA—THE ZULU WAR—INSTRUCTIONS TO SIR GARNET WOLSELEY—Question, Mr. Parnell; Answer, The Chancellor of the Exchequer	1721
ARTIZANS' DWELLINGS ACT, 1868—PRIVATE BURYING GROUNDS—Question, Mr. Waddy; Answer, Mr. Assheton Cross ..	1721
PARLIAMENT—ARRANGEMENT OF BUSINESS—MORNING SITTINGS—Questions, Mr. Fawcett, Mr. Childers, Mr. Rylands; Answers, The Chancellor of the Exchequer ..	1722
EAST INDIA REVENUE ACCOUNTS—Petitions presented, Mr. John Bright, Mr. Gladstone ..	1723

ORDERS OF THE DAY.

INDIA—EAST INDIA REVENUE ACCOUNTS—THE FINANCIAL STATEMENT—ADJOURNED DEBATE. [THIRD NIGHT]—	
Order read, for resuming Adjourned Debate on Question [22nd May]:—	
Question again proposed:—Debate <i>resumed</i> ..	1724
After long debate, Question put, and <i>agreed to</i> .	
ACCOUNTS <i>considered</i> in Committee ..	1795
(In the Committee.)	
After further short debate, <i>Resolved</i> , That it appears by the Accounts laid before this House that the Ordinary Revenue of India for the year ending the 31st day of March 1878 was £51,795,866; the Revenue from Productive Public Works, including the Net Traffic Receipts from Guaranteed Companies, was £7,173,435, making the total Revenue of India for that year £58,969,301; that the Ordinary Expenditure in India and in England, including Charges for the Collection of the Revenue, for Ordinary Public Works, and for Interest on Debt exclusive of that for Productive Public Works, was £55,147,832; the Expenditure on Productive Public Works (Working Expenses and Interest), including the payments to Guaranteed Companies for Interest and Surplus Profits, was £7,364,556, making a total Charge for that year of £62,512,388; that there was an excess of Expenditure over Income in that year amounting to £3,543,087; and that the Capital Expenditure on Productive Public Works in the same year was £4,791,052.	
Resolution to be reported upon <i>Monday</i> next.	
East India Loan (£5,000,000) Bill [Bill 197]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(<i>Mr. Edward Stanhope</i>) ..	1803
<i>Moved</i> , "That the Debate be now adjourned,"—(<i>Sir George Campbell</i> :)	
After short debate, Motion, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> for <i>Monday</i> next.	

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Common Law Procedure and Judicature Acts Amendment Bill [Bill 181]—

Bill considered in Committee 1804
[House counted out.]

LORDS, FRIDAY, JUNE 13.

Their Lordships met;—and having gone through the Business on the
Paper, without debate, [House adjourned.]

COMMONS, FRIDAY, JUNE 13.

QUESTIONS.

—o—o—o—	
NAVY—THE LATE MR. W. FROUDE—Question, Mr. E. J. Reed; Answer, Mr. W. H. Smith	1806
GENERAL NATIONAL FUND FOR RELIEF OF FAMILIES OF SOLDIERS, SAILORS, &c.—Question, General Shute; Answer, Colonel Stanley	1806
ARMY REGULATION ACT—CASHIERED PURCHASE OFFICERS—Question, General Shute; Answer, Colonel Stanley	1807
FISHERY LAWS—VIOLATION BY STEAM TRAWLERS — Question, Sir David Wedderburn; Answer, Mr. W. H. Smith	1807
MINES REGULATION ACT, 1872 — INSPECTION OF COAL MINES—Question, Mr. Burt; Answer, Mr. Assheton Cross	1808
ISLAND OF CYPRUS — PUNISHMENT OF PRIESTS — Question, Mr. Justin M'Carthy; Answer, Mr. Bourke	1809
PRISONS (IRELAND)—RELIGIOUS DENOMINATIONS—Question, Mr. Biggar; Answer, Mr. J. Lowther	1809
ILLEGAL LOTTERIES—Question, Mr. Anderson; Answer, The Attorney General for Ireland	1810
SOUTH AFRICA—THE ZULU WAR—OVERTURES OF PEACE — Question, Sir Wilfrid Lawson; Answer, Sir Michael Hicks-Beach	1810
ARMY—THE FIRST CLASS ARMY RESERVE—VOLUNTEERS—Question, Colonel Arbuthnot; Answer, Colonel Stanley	1811
COAL MINES—THE DINAS COLLIERY EXPLOSION—Question, Mr. Macdonald; Answer, Mr. Assheton Cross	1811
CRIMINAL LAW—CASE OF RYAN—Question, Mr. Sullivan; Answer, Mr. J. Lowther	1812
PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS—Questions, Mr. W. E. Forster, Mr. Callan; Answers, The Chancellor of the Exchequer	1813

ORDERS OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed,
“That Mr. Speaker do now leave the Chair.”—

METROPOLIS—LOCAL TAXATION—MOTION FOR A SELECT COMMITTEE—
Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the
words, “a Select Committee be appointed to inquire into the powers of the Vestries
of the Metropolis, and their administration of the funds at their disposal,”—(Mr.
Baillie Cochrane,)—instead thereof 1813

Question proposed, “That the words proposed to be left out stand part of
the Question :”—After debate, Question put, and agreed to.

Main Question proposed, “That Mr. Speaker do now leave the Chair.”—

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SUPPLY—Order for Committee read— <i>continued</i> .	
RAILWAYS—RAILWAY ACCIDENTS—THE ADOPTION OF CONTINUOUS BRAKES—Observations, Mr. Baxter :—Debate thereon ..	1832
ARMY—SOLDIERS IN UNIFORM—Observations, Colonel Mure; Reply, Colonel Stanley; Observations, Sir Walter B. Barttelot ..	1868
NAVY—CASE OF MR. JOHN CLARE—Observations, Mr. Biggar; Reply, Mr. A. F. Egerton; Observations, Mr. Parnell ..	1872
IRELAND—CARRICK-ON-SUIR BRIDGE—Observations, Mr. O'Donnell :—Short debate thereon	1873
Motion, "That Mr. Speaker do now leave the Chair," by leave, <i>withdrawn</i> :—Committee <i>deferred</i> till <i>Monday</i> next."	

Customs and Inland Revenue Bill [Bill 150]—	
Bill <i>considered</i> in Committee [<i>Progress 9th June</i>] ..	1875
After short time spent therein, Bill <i>reported</i> ; as amended, to be <i>considered</i> upon <i>Monday</i> next.	

Inclosure Provisional Order (Whittington Common) Bill— <i>Ordered</i> (Sir Matthew Ridley, Mr. Secretary Cross); <i>presented</i> , and read the first time [Bill 207] ..	1886
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LORDS, MONDAY, JUNE 16.

CHURCH OF ENGLAND—THE CHAPTER OF YORK CATHEDRAL—CASE OF THE REV. JAMES FLEMING—Observations, Question, Lord Hampton; Reply, The Earl of Beaconsfield; Observations, The Archbishop of York	1887
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Hares (Ireland) Bill (No. 89)—	
House in Committee (according to Order) ..	1897
Amendments made; the Report thereof to be received on <i>Thursday</i> next.	

Convention (Ireland) Act Repeal Bill (No. 77)—	
<i>Moved</i> , "That the House do now resolve itself into Committee upon the said Bill,"—(<i>The Lord O'Hagan</i>) ..	1898
Motion <i>agreed to</i> ; House in Committee :—Bill <i>reported</i> , without Amendment; an Amendment made; and Bill to be read 3 ^d <i>To-morrow</i> .	

SPAIN—CONTRABAND TRADE AT GIBRALTAR—CASE OF THE "ROSSLYN"—Question, Observations, The Duke of St. Albans; Reply, Earl Cadogan; Observations, Lord Napier of Magdala ..		1898
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ARMY—ARMY ORGANIZATION—DEPARTMENTAL COMMITTEE—Question, Observations, Lord Truro; Reply, Viscount Bury :—Short debate thereon		1901
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COMMONS, MONDAY, JUNE 16.

QUESTIONS.

CYPRUS—THE ORDINANCES—Question, Sir Charles W. Dilke; Answer, Mr. Bourke ..	1908
IRELAND—THE FISHERIES OF SLIGO AND THE BONET RIVER—Question, Major O'Beirne; Answer, Mr. J. Lowther ..	1909
LOCAL FINANCE—ANNUAL STATEMENT—THE PUBLIC WORKS LOAN BILL—Questions, Mr. Pell, Mr. Chamberlain; Answer, The Chancellor of the Exchequer ..	1909
INDIA—PETITION OF MR. WILLIAM TAYLER—SIR FREDERICK HALLIDAY—Questions, Mr. Staveley Hill, Sir Eardley Wilmot; Answer, Mr. E. Stanhope	1910

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NORTHERN BORNEO—CESSION OF TERRITORY—Questions, Mr. W. E. Forster; Answers, Mr. Bourke	1911
REPRODUCTIVE LOAN FUND (IRELAND)—LOANS TO CLARE FISHERMEN— Question, Lord Francis Conyngham; Answer, Mr. J. Lowther ..	1912
IRELAND—SUPPLY—THE VOTE FOR CHIEF SECRETARY'S OFFICE—Question, Major O'Beirne; Answer, Sir Henry Selwin-Ibbetson ..	1912
JAMAICA—COOLIES—Question, Mr. Macdonald; Answer, Sir Michael Hicks- Beach	1912
EGYPT—MR. VIVIAN—THE PAPERS—Questions, Mr. Otway, Mr. Whitwell; Answers, Mr. Bourke	1913
THE RAILWAY COMMISSION BILL—LEGISLATION—Question, Mr. Monk; Answer, Viscount Sandon	1914
VICTORIA—THE CONSTITUTIONAL QUESTION—Question, Mr. A. Mills; Answer, Sir Michael Hicks-Beach	1914
NAVY—COALING AT ST. VINCENT—Question, Colonel Beresford; Answer, Mr. W. H. Smith	1914
CRIMINAL CODE (INDICTABLE OFFENCES) BILL—MEMORANDUM OF THE LORD CHIEF JUSTICE—Questions, Mr. Herschell, Mr. Wheelhouse; Answers, The Attorney General, Mr. Assheton Cross	1915
ARMY—THE 42ND REGIMENT—Questions, Mr. H. Samuelson; Answers, Colonel Stanley	1915
SOUTH AFRICA—THE ZULU WAR—THE FIGHT AT RORKE'S DRIFT—Ques- tion, Mr. Stacpoole; Answer, Colonel Stanley	1916
ARMY—BEARDS—Question, Mr. Stacpoole; Answer, Colonel Stanley ..	1916
IRELAND—FORCIBLE DISPERSION OF A MEETING AT COOKSTOWN—Questions, Mr. Callan; Answers, Mr. J. Lowther	1916
IRELAND—REGISTRARS OF COUNTY COURTS—Question, Mr. Meldon; Answer, The Attorney General for Ireland	1918
SOUTH AFRICA—THE TRANSVAAL—Question, Mr. Courtney; Answer, Sir Michael Hicks-Beach	1919

ORDERS OF THE DAY.



SUPPLY—considered in Committee—ARMY ESTIMATES—[*Progress.*]

(In the Committee.)

(1.) £50,600, Divine Service.—After short debate, Vote agreed to	1919
(2.) Motion made, and Question proposed, "That a sum, not exceeding £29,400, be granted to Her Majesty, to defray the Charge for the Administration of Military Law, which will come in course of payment during the year ending on the 31st day of March 1880"	1922
Motion made, and Question proposed, "That the Item of £2,000, for the Salary of the Judge Advocate General, be omitted from the proposed Vote," — (<i>Major O'Beirne</i> :)—After debate, Motion, by leave, <i>withdrawn</i> . After further short debate, Original Question put, and agreed to.	
(3.) Motion made, and Question proposed, "That a sum, not exceeding £266,200, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1880"	1949
After debate, Motion made, and Question proposed, "That a sum, not exceeding £261,200, be granted, &c.," — (<i>Mr. Meldon</i> :)—After further short debate, Motion, by leave, <i>withdrawn</i> . Original Question again proposed	1970
After debate, Motion made, and Question proposed, "That a sum, not exceeding £262,200, be granted, &c.," — (<i>Mr. Parnell</i> :)—After further short debate, Motion, by leave, <i>withdrawn</i> . Original Question put, and agreed to.	
(4.) Motion made, and Question proposed, "That a sum, not exceeding £495,200, be granted to Her Majesty, to defray the Charge for the Pay and Allowances of a Force of Militia, not exceeding 132,526, including 30,000 Militia Reserve, which will come in course of payment during the year ending on the 31st day of March 1880"	1990

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Children's Dangerous Performances Bill (No. 64)—	
House in Committee (according to Order) ..	1407
After short debate, House to be again in Committee on <i>Tuesday</i> the 17th of <i>June</i> next.	
TURKEY—CRETE—REPORTED DISTURBANCES—Question, Observations, Lord Colchester; Reply, The Marquess of Salisbury ..	1408
CRIMINAL LAW—31 VICT. c. 24—EXECUTION OF CATHERINE CHURCHILL AT TAUNTON—ADMISSION OF THE PRESS—Question, Observations, Lord Houghton; Reply, Earl Beauchamp:—Short debate thereon ..	1412
Metropolitan Public Carriage Act Amendment Bill [H.L.]—Presented (The Lord Steward); read 1^a (No. 105)	1415

LORDS, FRIDAY, MAY 30.

ARMY—ARMY ORGANIZATION—THE COMMITTEE—Question, Observations, Lord Truro; Reply, The Lord Chancellor ..	1416
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Hares (Ireland) Bill (No. 89)—

<i>Moved</i> , "That the Bill be now read 3 ^a ,"—(<i>The Viscount Massereene</i>) ..	1417
Motion <i>agreed to</i> :—Bill read 2 ^a accordingly, and committed to a Committee of the Whole House on <i>Monday</i> the 16th of <i>June</i> next.	

ARMY—THE CONDITION OF THE ARMY AND THE SHORT-SERVICE SYSTEM—

Address for Papers (<i>Lord Strathnairn</i>)	1418
After short debate, Motion <i>amended</i> , and <i>agreed to</i> .	

Resolved, That an humble Address be presented to Her Majesty for,

1. The number and their rank of officers of battalions on foreign service or on first appointment on the Linked Battalion system who since the 1st of April 1876 have served at Brigade Depôts, and how long; also the number of rank and file and of non-commissioned officers, being the respective strength of the companies forming the Brigade Depôts, including non-effectives, and their employment; and also the average monthly strength of a Brigade Depôt:
2. The number since the 1st of April 1876 of Brigade Depôt parades and drills, stating what drills, or movements under the colonel commandant of the four Depôt Companies, including the Auxiliary Forces, Militia, &c.:
3. The annual expense of the colonels commandant, the officers, non-commissioned officers, and men of the Brigade Depôts actually and practically formed together, with the expense of concentration of troops, if any, travelling, officers mess, and other miscellaneous expenses attendant on the Brigade Depôt system:
4. The armed force, whether line, brigade depôt, first class army reserve, militia, yeomanry, volunteers, or pensioners whom the colonel commandant is authorised to inspect or call out for drill purposes in his sub-district, or for aid, if necessary, to the civil power:
5. The armed force and of what description in a sub-district under the orders of its colonel commandant:
6. Whether the first class army reserve men are concentrated in a sub-district at the Brigade Depôt stations for their seven days annual instruction, and, if not, where and by whom drilled, and in what drill:
7. Number of recruits since 1871 tried for fraudulent enlistment, that is for having sworn, although under age, in their attestation papers that they were of the proper age; and what steps have been taken to prevent the award of "bringing money" for fraudulent enlistments:
8. Any battalion, which on account of the Linked Battalion system and of the necessity of its being at home in order to relieve its linked or other battalion at the termination of its foreign service, or on account of any other cause, has been ordered home in breach of the rules of the Regulation Foreign Service Roster before the completion of its foreign service:
9. Return in continuation of a Return to an Address of the House of Lords, dated the 28th of February 1876:
10. Return of Double or Linked Battalions at home being stationed in the district or sub-district of their Brigade Depôt or Centre:

TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM.

COMMONS.

NEW WRIT ISSUED.

TUESDAY, MAY 13, 1879.

For *Limerick City*, v. Isaac Butt, esquire, deceased.

NEW MEMBERS SWORN.

FRIDAY, MAY 9.

Canterbury—Robert Peter Lawrie, esquire.

MONDAY, JUNE 9.

Clare County—The O'Gorman Mahon.

Limerick City—Daniel FitzGerald Gabbett, esquire.

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SUPPLY—CIVIL SERVICE ESTIMATES—Committee—*continued*.

- Motion made, and Question proposed, "That a sum, not exceeding £18,125, be granted, &c."—(*Mr. Rylands* :)—After short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (3.) £49,613, to complete the sum for the Lord Advocate and Criminal Proceedings, Scotland.—After short debate, Vote *agreed to* .. 1460
- (4.) £45,931, to complete the sum for Courts of Law and Justice, Scotland.—After short debate, Vote *agreed to* .. 1464
- (5.) Motion made, and Question proposed, "That a sum, not exceeding £27,268, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Offices in Her Majesty's General Register House, Edinburgh" .. 1471
- After short debate, Motion made, and Question proposed, "That a sum, not exceeding £26,268, be granted, &c."—(*Mr. Fraser-Mackintosh* :)—After further short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (6.) Motion made, and Question proposed, "That a sum, not exceeding £63,433, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Expenses of the Prison Commissioners for Scotland, and of the Prisons under their control, including the Maintenance of Criminal Lunatics and the Preparation of Judicial Statistics" .. 1484
- After short debate, Motion made, and Question proposed, "That the item of £140, for Salary of Scripture Reader in Perth Prison, be omitted from the proposed Vote,"—(*Mr. Biggar* :)—After further short debate, Question put:—The Committee *divided*; Ayes 4, Noes 152; Majority 148.—(*Div. List, No. 112.*) .. 1509
- Original Question again proposed .. 1509
- After short debate, Motion made, and Question proposed, "That the Item of £200 for the Salaries of Female Scripture Readers in Perth Prison be reduced by £100,"—(*Mr. Biggar* :)—After further short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- Motion made, and Question proposed, "That a sum, not exceeding £65,521, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, of Criminal Prosecutions and other Law Charges in Ireland, including certain Allowances under the Act 15 and 16 Vic. c. 83" .. 1510
- Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Parnell* :)—After short debate, Motion, by leave, *withdrawn*.
Original Motion, by leave, *withdrawn*.
- (7.) £28,888, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.
- (8.) £8,387, to complete the sum for Probate, &c. Registries, Ireland.
- (9.) Motion made, and Question proposed, "That a sum, not exceeding £7,574, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and the incidental Expenses of the Court of Bankruptcy in Ireland" .. 1513
- After short debate, *Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Rylands* :)—After further short debate, Motion, by leave, *withdrawn*.
Original Question put, and *agreed to*.
- (10.) £1,195, to complete the sum for the Admiralty Court Registry, Ireland.

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

- (11.) Motion made, and Question proposed, "That a sum, not exceeding £289,772, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Superannuation and Retired Allowances to Persons formerly employed in the Public Service, and for Compassionate or other Special Allowances and Gratuities awarded by the Commissioners of Her Majesty's Treasury" .. 1517
- Moved*, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Whitwell* :)—After short debate, Question put:—The Committee *divided*; Ayes 30, Noes 120; Majority 90.—(*Div. List, No. 113.*) .. 1517
- After further short debate, Original Question put, and *agreed to*.

Resolutions to be reported *To-morrow*, at Two of the clock; Committee to sit again upon *Wednesday*.

HANSARD'S PARLIAMENTARY DEBATES,

IN THE

SIXTH SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED
TILL 5 DECEMBER, 1878, IN THE FORTY-SECOND YEAR OF
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, 9th May, 1879.

MINUTES.]—PUBLIC BILLS—First Reading—
Supreme Court of Judicature (Officers) * (76);
Convention (Ireland) Act Repeal * (77);
Public Health (Scotland) Act, 1867, Amend-
ment * (78); Local Government Provisional
Orders (Ashton-under-Lyne, &c.) * (79).
Committee—Report—Land Drainage Provisional
Order (Bispham, &c.) * (65).
Third Reading—Railways and Telegraphs in
India * (63); Elementary Education Provi-
sional Orders Confirmation (Brighton and
Preston, &c.) * (48), and *passed*.

CHINA—THE CHEFOO CONVENTION.

QUESTION. OBSERVATIONS.

THE EARL OF CARNARVON: My
 Lords, I wish to ask the noble
Viscount the Secretary of State for India,
Whether any or what steps have been
taken under the Chefoo Convention of Sep-
tember, 1876, to give effect to the clauses
relating to the importation of opium, the

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mission of exploration to Thibet and
thence to India, and the appointment of a
Commission to regulate the differences
between the Colony of Hong Kong and
the City of Canton? There are many
questions of much importance comprised
in the Chefoo Convention; but I shall only
call your Lordships' attention to those
points that are indicated in my Question.
The Convention was agreed to two years
ago. The first point to which I shall
refer are the clauses regulating the im-
portation of opium into China. These
clauses, I may explain, provide that the
opium should be put into bond, and
that when taken out for the purposes of
sale it should be subject to a certain tax
called the *li-kin*; the exact conditions
of which were to be the subject of agree-
ment. The tax was originally a war
tax, imposed in consequence of the
Taeping rebellion; but, like our own
Income Tax in England, has since been
maintained as an ordinary source of
Revenue. Before any final settlement
had been arrived at, Sir Thomas Wade,
our Minister in China, who had come to
this country, was sent to India, which
country the question mainly affected, in

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PARLIAMENT — ARRANGEMENT OF PUBLIC BUSINESS — Question, Sir David Wedderburn; Answer, The Chancellor of the Exchequer ..	1551
SOUTH AFRICA—THE ZULU WAR—Questions, Sir Robert Peel, Sir Julian Goldsmid; Answers, Colonel Stanley ..	1552
ARMY ORGANIZATION — THE DEPARTMENTAL COMMITTEE — Observations, Mr. Gourley ..	1553
<i>Moved</i> , "That this House do now adjourn,"—(<i>Mr. Gourley</i> :)—After short debate, Question put, and <i>negatived</i> .	
SOUTH AFRICA—THE ZULU WAR—INSTRUCTIONS TO SIR GARNET WOLSELEY —Question, Mr. Parnell; Answer, The Chancellor of the Exchequer ..	1562

ORDER OF THE DAY.

—o—o—o—

Army Discipline and Regulation Bill [Bill 88]—
Bill considered in Committee [*Progress 8th May*] .. 1563
 After long time spent therein, it being ten minutes before Seven of the clock, Committee report Progress; to sit again upon *Thursday*.
 The House suspended its Sitting at Seven of the clock.
 The House resumed its Sitting at Nine of the clock.

MOTIONS.

—o—o—o—

LONDON SCHOOL BOARD EXPENDITURE—RESOLUTION—
Moved, "That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist,"—(*Mr. Reginald Yorke*) .. 1624
 After long debate, *Moved*, "That the Debate be now adjourned,"—(*Mr. Mundella* :)—After further short debate, Motion *agreed to* :—Debate *adjourned* till *Monday* next.

Metropolitan Board of Works (Water Expenses) Bill—Ordered (*Sir James M'Garel Hogg, Sir Charles W. Dilke, Mr. Rodwell*); *presented*, and read the first time [Bill 204] 1649

COMMONS, WEDNESDAY, JUNE 11.

ORDER OF THE DAY.

—o—o—o—

Hours of Polling (Boroughs) Bill [Bill 11]—
Moved, "That the Bill be now read a second time,"—(*Mr. Chamberlain*) 1650
 Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Ascheton*.)
 Question proposed, "That the word 'now' stand part of the Question :"
 —After long debate, Question put :—The House *divided*; Ayes 165, Noes 190; Majority 25.—(*Div. List, No. 117.*)
 Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for three months.

Kong and China would be arranged in a manner satisfactory at once to the Colony of Hong Kong and to the Chinese Government. As regarded the opening up of intercourse between China and India through Thibet, it was most desirable, before we attempted to send another mission of exploration, that we should be sure there was no risk of the repetition of the disaster which had occurred in attempting to open intercourse between China and India through Burmah.

LORD STANLEY OF ALDERLEY said, that two years ago he had been asked by those who were interested in the China trade to put the first of the Questions now put to the Secretary of State for Foreign Affairs; but he had to postpone it as the Government had not then come to any decision. The Chinese Government had fulfilled their part of the Treaty, and quite recently an English traveller had journeyed unmolested from Shanghai to Burmah. It was putting Sir Thomas Wade in an unfair position to send him back to Peking with the Chefoo Convention unratified by us.

THE MARQUESS OF SALISBURY: It is perfectly true that, owing to certain defects in the structure of this Convention, it has not been hitherto possible to ratify it; and we are awaiting the Report from Sir Thomas Wade of his communications with the Chinese Government before we can proceed further in that direction. I am wholly unable to agree with the noble Lord the late Under Secretary (Lord Hammond) in thinking that we have done thereby any injury to the Chinese, or that we ought to compensate them for that injury in the manner the noble Lord suggests. He pointed out that the Chinese, by virtue of this Convention, have opened to us a certain number of ports. That stipulation, he says, has been performed; but the stipulation with respect to submitting opium to *li-kin* has not been performed. We ought, therefore, in honour, he says, to give back to the Chinese that which they have given to us, by withdrawing from those ports which they have opened. My impression is that if the Chinese could be asked they would be ill-satisfied with the demands of their advocate. Certain ports have been opened to British trade—not an injurious thing to the nation in which those ports are situated. I believe a tolerably ac-

tive trade is being carried on, and, no doubt, it brings a considerable revenue to the Chinese Treasury. The proposal of the noble Lord—more Chinese in his views of trade than the Chinese themselves—is, that we should close up the avenues of this trade and dry up these sources of revenue, and then tell the Chinese we are compensating them for the non-settlement of the question of *li-kin* for opium. I think they would repudiate their advocate. This is not a question of hypothesis. By the Convention, the Chinese are only bound to open these ports on the performance of the stipulations with respect to *li-kin*. They have not waited for the stipulations; they have opened them at once. Do you imagine they have done it out of pure benevolence? Certainly not; for they know it is for their interest as well as ours that the trade between the two countries should be unrestricted. The difficulty which arises under the clause of the Convention is a very simple one. In the first place, the proposal with respect to *li-kin* on goods in general is that it should be levied on all goods going into China except within a very limited area which is called “the Concessions;” and to that limitation some foreign Governments take strong objection. Therefore, it is provided that the stipulations shall not come into operation until an understanding has been arrived at with them. They have not yet accepted these stipulations of the Convention, and, therefore, it is clearly impossible they should come into operation. That is a matter over which we have not any control. The *li-kin* is not the ordinary taxation of the country; it is a species of *octroi* levied at the boundary of every Province; it is levied very much at the discretion of the provincial Governors; they can raise it or lower it as they please; but there is always this security for the foreign trader—that, as long as the collection of the duty is left in the hands of Chinese officials, smuggling, when the duty becomes high, is not a very difficult matter, and, therefore, there is a natural check upon these provincial Governors which prevents them raising *li-kin* to an extravagant amount. With respect to opium, this Convention proposes what undoubtedly would be a very drastic remedy—that the collection should be placed in the same hands as that

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<i>Moved, "That this House do now adjourn,"—(Mr. O'Donnell:)—After short debate, Motion, by leave, withdrawn.</i>	
CRIMINAL LAW—CIRCULATION OF DISGUSTING LITERATURE—Question, Mr. O'Donnell; Answer, Mr. Ascheton Cross	1718
CRIMINAL CODE (INDICTABLE OFFENCES) BILL—REPORT OF THE COMMISSIONERS—Question, Sir Henry James; Answer, The Attorney General	1719
DEBTORS ACT (1869) AMENDMENT BILL—Question, Mr. M. T. Bass; Answer, The Attorney General	1719
UNREFORMED MUNICIPAL CORPORATIONS — REPORT OF THE COMMISSION—Question, Mr. Whitwell; Answer, Mr. Ascheton Cross	1720
POST OFFICE — MAIL CONTRACT WITH THE PENINSULAR AND ORIENTAL STEAM COMPANY — Question, Mr. J. Holms; Answer, Sir Henry Selwin-Ibbetson	1720
FRANCE—DEMONETISATION OF SILVER—Question, Mr. Errington; Answer, Mr. Bourke	1720
SOUTH AFRICA—THE ZULU WAR—INSTRUCTIONS TO SIR GARNET WOLSELEY —Question, Mr. Parnell; Answer, The Chancellor of the Exchequer	1721
ARTIZANS' DWELLINGS ACT, 1868—PRIVATE BURYING GROUNDS—Question, Mr. Waddy; Answer, Mr. Ascheton Cross	1721
PARLIAMENT—ARRANGEMENT OF BUSINESS—MORNING SITTINGS—Questions, Mr. Fawcett, Mr. Childers, Mr. Rylands; Answers, The Chancellor of the Exchequer	1722
EAST INDIA REVENUE ACCOUNTS—Petitions presented, Mr. John Bright, Mr. Gladstone	1723

ORDERS OF THE DAY.

INDIA—EAST INDIA REVENUE ACCOUNTS — THE FINANCIAL STATEMENT—ADJOURNED DEBATE. [THIRD NIGHT]—	
Order read, for resuming Adjourned Debate on Question [22nd May]:—	
Question again proposed :—Debate <i>resumed</i>	1724
After long debate, Question put, and <i>agreed to</i> .	
ACCOUNTS considered in Committee	1795
(In the Committee.)	
After further short debate, <i>Resolved</i> , That it appears by the Accounts laid before this House that the Ordinary Revenue of India for the year ending the 31st day of March 1878 was £51,795,866; the Revenue from Productive Public Works, including the Net Traffic Receipts from Guaranteed Companies, was £7,173,435, making the total Revenue of India for that year £58,969,301; that the Ordinary Expenditure in India and in England, including Charges for the Collection of the Revenue, for Ordinary Public Works, and for Interest on Debt exclusive of that for Productive Public Works, was £55,147,832; the Expenditure on Productive Public Works (Working Expenses and Interest), including the payments to Guaranteed Companies for Interest and Surplus Profits, was £7,364,556, making a total Charge for that year of £62,512,388; that there was an excess of Expenditure over Income in that year amounting to £3,543,087; and that the Capital Expenditure on Productive Public Works in the same year was £4,791,052.	
Resolution to be reported upon <i>Monday</i> next.	
East India Loan (£5,000,000) Bill [Bill 197]—	
<i>Moved</i> , "That the Bill be now read a second time,"—(Mr. Edward Stanhope)	1803
<i>Moved</i> , "That the Debate be now adjourned,"—(Sir George Campbell:)	
After short debate, Motion, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed for Monday</i> next.	

Ordered—First Reading—West India Loans * [167].

First Reading — Local Government (Ireland) Provisional Orders (Clonmel, &c.) * [166].

Second Reading—Public Health (Scotland) Provisional Order (Bothwell) * [162].

Committee — Summary Jurisdiction (*re-comm*) [138]—R.P.

Considered as amended — Valuation of Lands (Scotland) Amendment * [16].

Third Reading — Statute Law Revision (Ireland) * [132], and passed.

QUESTIONS.

TREATY OF BERLIN—EASTERN ROUMELIA.—QUESTIONS.

MR. HANBURY said, he had given Notice that he would ask Mr. Chancellor of the Exchequer, What modification has been introduced into the Treaty of Berlin in reference to paragraphs two and three of Article twenty-two of that Treaty, which, in the official English translation, stand as follows:—

“The period of the occupation of Eastern Roumelia and Bulgaria by the Imperial troops is fixed at nine months from the date of the exchange of the ratification of the present Treaty. The Imperial Russian Government undertakes that within nine months the passage of its troops across Roumania shall cease and the Principality shall be completely evacuated.”

Perhaps he might be allowed to state that these paragraphs were taken from the Copy of the Treaty of Berlin which was despatched by our Representatives at Berlin to the Principal Secretary of State at home, and the first to be laid upon the Table of the House and published in the country. The official version, however, showed that it contained a very remarkable mistranslation, and that it ought to run thus—

“The Imperial Russian Government undertakes that within the space of a further period of three months,” &c.

He did not propose, therefore, to put the first part of his Question, and only would ask, Whether, since the Treaty fixes a limit to the continued presence of Russian troops in Roumania only, any date has been agreed upon as that before which Eastern Roumelia also shall be completely evacuated in case the Russian authorities decide to ultimately withdraw their troops from that Province otherwise than through Roumania?

SIR ALEXANDER GORDON said, he had also a Question to put, consequent upon that of the hon. Member for North Staffordshire. It was, Whether Mr. Chancellor of the Exchequer can explain to the House why an incorrect translation of the 3rd paragraph of the 22nd Article of the Treaty of Berlin was laid upon the Table of this House by Her Majesty's Government on the 15th of July last, whereby the period accorded to Russia for the passage of troops across Roumania, and the complete evacuation of the Principality, was incorrectly stated to be nine months instead of twelve months; and, if he can explain to the House why, in the translation of the 4th Article of the Treaty above mentioned, the French word “*avant*” was translated “*after*” instead of “*before*.”

MR. BOURKE: Sir, I am glad that the hon. and gallant Gentleman (Sir Alexander Gordon) has asked his Question just after that of my hon. Friend behind me, because my hon. Friend has given the explanation which I was going to give in answer to the hon. and gallant Member's Question, and which, in fact, was given by me last year in this House. It will be in the recollection of the House that I took the opportunity, last year, in answer to a Question put by the hon. Member for Rochester (Sir Julian Goldsmid), of saying that there were certain inaccuracies in the translation of the Treaty which I had laid upon the Table of the House, and that those inaccuracies arose in consequence of the very great hurry that took place in the translation and the anxiety of the Government not to lose a moment in placing the Treaty before the House. That is the explanation I gave last year, which the House, having all the circumstances in its recollection, was good enough to accept. I then took occasion to express my regret that those inaccuracies should have taken place; but I stated that no substantial inconvenience, except that caused temporarily to Members of the House, would result, because a correct translation would be laid upon the Table when the ratification of the Treaty took place. The hon. Member for North Staffordshire (Mr. Hanbury) has just explained that another translation was laid upon the Table after the ratification. The hon. and gallant Member for East Aberdeenshire has not been kind enough to adopt that; but has quoted from the

previous translation, which, as I said before, was inaccurate. But I do not think anybody will say that the subsequent translation was inaccurate. With regard to the last Question of my hon. Friend the Member for North Staffordshire, I have to state that the evacuation of Eastern Roumelia will take place with all reasonable despatch. I think I may also say that if my hon. Friend will refer to historical precedents upon subjects of this kind, he will find that this is as complete an answer as can be given by the Government.

SIR ALEXANDER GORDON said, he was not aware that an explanation had been made last Session, or he should not have put his Question.

CRIMINAL LAW—ALLEGED CRUELTY
AT HANLEY.—QUESTION.

EARL PERCY asked the Secretary of State for the Home Department, Whether his attention has been called to the case of Hannah Martin, a farmer's wife, who is reported to have been charged before the stipendiary magistrate at Hanley, on the 7th of April last, with having, for a trifling offence, beaten her child of nine years old while naked, and afterwards rubbed turpentine and salt into the wounds; the child being in consequence of this treatment "one mass of wounds from neck to feet"; and, whether it is true that

"The magistrate, taking a lenient view of the case, cautioned the woman and inflicted a nominal fine and costs, which amounted to one guinea?"

MR. ASSHETON CROSS: Sir, this is an instance of a newspaper paragraph grossly misrepresenting the facts of a case, so far as I am able to ascertain them. I only wish that, in reporting these cases, the persons responsible would be more careful in being accurate; because I am sure that, unintentional though it may be, such a representation of the proceedings of a Court of Justice is calculated to have a very bad effect throughout the country. The magistrate who dealt with the case writes to me—

"It will be in your recollection that, a few weeks ago, I was in communication with you relative to another case which I tried at Stoke-upon-Trent, a report of which, as it appeared in some of the London papers, was a sensational one, and the invention of some local reporter.

Mr. Bourke

The same statement applies to this case. The woman charged was the aunt, not the mother, of the child. The child beaten was not naked, but was in her usual dress; and no turpentine or salt was used. In deciding the case, I was of opinion that the girl had received no more punishment than she really deserved, and I hesitated whether or not I should dismiss the summons; but as the mother was a poor woman living several miles off, and had taken out a summons, influenced by the fears of her daughter and some falsehood which had been told her, I ordered the costs to be paid, and inflicted a nominal fine of 1s."

I may add that a Question was given Notice of the other day with regard to another case. I presume the hon. Member found the statement untrue, and accordingly has not put the Question.

DOMINION OF CANADA — FORTUNE
BAY, NEWFOUNDLAND.—QUESTION.

MR. MACDONALD asked the Under Secretary of State for Foreign Affairs, If there be any further papers in respect to the occurrences which took place in Fortune Bay, Newfoundland, January 1878, than that which closed with a letter from the American Ambassador, date 9th November 1878; if so, will he lay them upon the Table, or if the matter has been arranged, will he state the terms of the agreement?

MR. BOURKE, in reply, said, no communications had taken place between the British and American Governments since November 9 on the subject mentioned in the hon. Gentleman's Question.

ARMY—COMMISSARIAT AND TRANS-
PORT DEPARTMENTS.—QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether, with reference to the replies given by the War Department during the last three years, the promised Warrant re-organizing the Commissariat and Transport Departments is yet decided upon; when it is likely to be issued; and, whether it will meet the grievances of the officers to which consideration has so often been promised?

COLONEL STANLEY, in reply, said, the promised Warrant re-organizing the Commissariat and the Transport Departments had been decided upon; and he had reason to believe, if it had not already gone to the Treasury, it would go to them in the course of this week. As to when the Warrant was likely to be

issued would depend upon the time taken by the Treasury to sanction the scheme. He was bound to say that the Warrant did not, in his opinion, meet the grievances of the officers; but the arrangements that were made in consequence of it would, he hoped, tend to remove some of the difficulties, though he should be sorry to say that it would redress every grievance.

**CONTAGIOUS DISEASES (ANIMALS)
ACT, 1870—FOREIGN SHEEP.**

QUESTION.

DR. CAMERON asked the Vice President of the Council, Whether it is a fact that five hundred sheep brought from the Allan steamer "Nestorian" from Monte Video to Plymouth were prevented from being landed, and ultimately obliged to be slaughtered on board; whether there are not three authorized places for the landing of foreign animals at Plymouth; whether it is true that the "Nestorian" was prohibited from landing her sheep at one of these places, when it would have been necessary to employ boats or tugs, by the refusal of the Board of Trade to allow boats or tugs to be employed; whether the Board of Trade refused to allow the sheep to be landed at a second place, on the ground that it was reserved for horned cattle; and whether, and if so on what ground, the authorities of the Royal Victualling Yard refused to permit the debarkation for the sheep at the third landing-place; whether he is aware that this consignment was the first of an intended series of shipments of sheep from Monte Video to this Country; and, whether any steps have been taken to remove impediments presented in this case, and which threaten to prove fatal to a trade tending to cheapen the meat supply of Great Britain?

LORD GEORGE HAMILTON: Sir, as the allegations contained in the Questions of the hon. Member do not tally with the facts reported to the Privy Council, perhaps I may give the information which the hon. Member wants, by telling him exactly what occurred rather than by answering *seriatim* the Questions which he has put. Under the provisions of the Contagious Diseases (Animals) Act, 1878, animals brought from Uruguay can only be landed in this country for slaughter at a foreign animals' wharf. The *Nestorian*, with a cargo of

500 sheep from Monte Video, called at Southampton about the end of April; but being unable to land there, as there was no foreign animals' wharf, the vessel went over to Havre, and ultimately to Plymouth. The only foreign animals' wharf in Plymouth is one established for victualling purposes in the Royal Victualling Yard. An application was then made to the Admiralty to allow the animals to be there landed for slaughter; but the Yard being entirely occupied with stores, the Admiralty were compelled to decline. The shippers then asked for permission to slaughter the animals on board and land the meat at Glasgow, and this has been done under the superintendence of the Inspector of the port. Any inconvenience which may have occurred resulted from this cargo of sheep being taken to ports where there is no foreign animals' wharf. If the local authority of any port consider that the cattle trade of that port is sufficient to justify them in incurring the expense of establishing a foreign animals' wharf, the Privy Council will always be ready to entertain any such proposal. There is no regular trade in animals between Uruguay and this country, and the Plymouth local authorities have not offered any eligible site for a foreign animals' wharf.

**EDUCATION DEPARTMENT—LONDON
SCHOOL BOARD—MR. GEORGE
POTTER.—QUESTION.**

MR. ONSLOW asked the Vice President of the Council, If his attention has been called to the fact that Mr. George Potter, a member for the Westminster Division of the London School Board, has committed an act of bankruptcy by entering into a statutable composition with his creditors; and, if so, whether he is not thereby disqualified from voting any longer as a member of the London School Board?

LORD GEORGE HAMILTON: Yes, Sir; my attention has been called to this by the London School Board forwarding to us a statement to the effect that Mr. George Potter has entered into a composition with his creditors, and that, therefore, his seat at the Board is vacant.

**TREATY OF BERLIN—THE GREEK
FRONTIER.—QUESTIONS.**

MR. W. CARTWRIGHT asked Mr. Chancellor of the Exchequer, If he will

inform the House whether there is on record merely the general affirmation by all the Powers of the principle of mediation in reference to pending territorial questions between Turkey and Greece which is implied in their subscription to the Berlin Treaty without reservation as to any of its articles; whether, since that subscription, the principle has been specially affirmed again by all the Signatory Powers in respect of putting in force the mediation which by Article twenty-four is contemplated for ensuring the rectification of frontier between Greece and Turkey on the basis of the line recommended by the Congress; and, furthermore, if such reaffirmation had occurred, whether he can state to the House that the acquiescence of Her Majesty's Government in the contemplated mediation has not been accompanied by any views suggestive of cession, by the Porte to Greece, of territory that does not comprise the whole country which the Plenipotentiaries at Berlin recommended in Protocol thirteen should be ceded to Greece?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am afraid that the only answer I can give to the hon. Gentleman is this—that there has been a good deal of diplomatic Correspondence upon this subject since the signature of the Treaty of Berlin, and that communications are still going on. It is impossible for me to enter into detail upon these questions; but I may say that Her Majesty's Government have expressed their readiness to join with other Powers in mediation in conformity with all the provisions of the 24th Article of the Treaty of Berlin.

MR. MONK subsequently asked the Under Secretary of State for Foreign Affairs, Whether the English Government has acceded to or rejected M. Waddington's proposal for a Conference of Ambassadors at Constantinople, with a view to the settlement of the Græco-Turkish Frontier Question.

MR. BOURKE: Sir, I am sorry that the answer I gave the other day was not sufficiently intelligible to the hon. Gentleman. My right hon. Friend has already answered one part of this Question; but I may say, in answer to the whole Question, that in pursuance of a proposal made by the French Government, Her Majesty's Government have consented to offer to exercise mediation

under the Treaty of Berlin, and that they also agreed that that mediation shall be conducted by the Ambassadors at Constantinople.

SIR CHARLES W. DILKE: May I ask, Whether by the Ambassadors at Constantinople, singly or collectively?

MR. BOURKE: Perhaps my hon. Friend will give Notice of that Question.

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MR. BOURKE: If my hon. Friend will give Notice of his Question I will endeavour to answer it.

CRIMINAL LAW—CASE OF EDMUND GALLEY.—QUESTIONS.

SIR EARDLEY WILMOT asked the Secretary of State for the Home Department, Whether he has any objection to lay upon the table in the Library the Documents and Papers relating to the case of Edmund Galley, who, with one Oliver, was convicted of murder at Exeter in 1836, was afterwards reprieved, and is now a shepherd in New South Wales?

MR. ASSHETON CROSS: Sir, I may state, with reference to Galley, that he is not now undergoing punishment beyond that of being kept abroad. With regard to the main question, this case was decided by Earl Russell when he held the Office I have the honour to hold, and he had a great deal of communication with the late Mr. Justice Williams and the late Lord Denman on the subject. Papers passed not only between him and these Judges, but also between them and my other Predecessors. All these communications, invariably on the ground of public interest, have been considered as confidential, and I certainly am not inclined to depart from that rule.

SIR EARDLEY WILMOT asked, Whether the sole surviving jurymen who heard the case had not addressed a strong appeal to the Secretary of State upon the subject?

[No reply was given to this Question.]

PRISONS ACT—PERTH PRISON.

QUESTIONS.

MR. MACDONALD asked the Secretary of State for the Home Department,

Mr. W. Cartwright

If it be correct, as stated in the "*Glasgow Herald*" of the 7th instant, that the convicted criminals Potter and Stronach, of the City of Glasgow Bank, came from Perth prison to Glasgow in their ordinary dress on Tuesday the 6th instant; if it be common to treat witnesses who are criminals in this manner; if it be correct that he was applied to to allow them to appear in public in this form; and, if he granted them such a privilege, what were the circumstances which induced him to do so?

MR. ASSHETON CROSS: Sir, I have granted no privilege, and the prison has granted no privilege, and no application has been made either to one or the other. This has always been the custom in the General Prison at Perth to take prisoners, if possible, in their own dress, and not in the prison dress. That has not been the practice in other prisons in Scotland, but it has always been so at the Perth Prison.

MR. MACDONALD: Has it been the practice anywhere in England?

MR. ASSHETON CROSS: No. The hon. Gentleman will remember that the General Prison at Perth has for a long time been in a peculiar position, and it has always been the practice there, and that practice has not hitherto been changed. It has not been the practice anywhere else that I am aware of.

ARMY DISCIPLINE AND REGULATION BILL.—QUESTION.

MAJOR NOLAN asked the Secretary of State for War, If, before those clauses or schedules in the Army Discipline and Regulation Bill which treat of billeting and carriage are reached, he will enable the House to discuss the scale of prices for billets, &c. by appointing a preliminary money committee with the recommendation of the Crown?

COLONEL STANLEY: Sir, I have communicated with my right hon. Friend the Chancellor of the Exchequer, and I think before we reach Part III. of the Army Discipline Bill and the Schedule, which deals with prices, I shall be able to give the hon. and gallant Gentleman an answer to his Question, if he will be good enough to repeat it. There are certain clauses of the Bill as to billeting which we shall have to consider almost immediately; but they refer merely to the conduct of the soldiers, and I presume the Question does not refer to that.

THE COMMERCIAL TREATY WITH FRANCE.—QUESTIONS.

MR. W. E. FORSTER: I wish to ask the Under Secretary of State for Foreign Affairs a Question of which I have given him private Notice. It has been publicly stated in an influential French newspaper, and, I believe, it has been published in an English newspaper also, that the French Government have proposed to our Government a prolongation of the Commercial Treaty for six months. This is a matter of intense interest and importance, and I should be glad to know, Whether the hon. Gentleman can give the House any information on the subject?

MR. BOURKE: Yes, Sir; the French Government have suggested that this Treaty should be prolonged for the period of six months, and Her Majesty's Government have acceded to that suggestion. Communications are passing between Her Majesty's Ambassador at Paris and the French Government as to the precise terms in which the agreement should be made.

MR. C. BECKETT-DENISON: May I ask, six months from what date?

MR. BOURKE: From the date of the expiration of the present Treaty, which, I think, will be at the end of the year.

AFGHANISTAN—THE WAR—EXECUTION OF PRISONERS OF WAR.

QUESTIONS.

MR. O'DONNELL asked the Under Secretary of State for India, If it is true, as stated in the correspondence of the "*Morning Post*" from the camp of General Gough's brigade, April 5th, that after the action with the Afghans on the 2nd of April, in which the enemy are described as having behaved with extraordinary gallantry, "seven Moullahs were shot by order of a military commission the following day," on the charge of having instigated the resistance of the Afghans on that occasion; whether he can inform the House what Article of War, or custom of war, authorises the execution of the priesthood in any country on the charge of instigating their compatriots to resist invasion; and, whether, if the statement be confirmed, he will engage to have the parties brought to justice?

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MR. E. STANHOPE: Sir, I have received a diary of events which includes

the date of the action of the 5th April, and that contains no intimation or suggestion that any such event as that to which the hon. Member refers had taken place. I am sure the House will see that I am, therefore, not in a position to give the hon. Member any further information upon the subject, or to express any opinion upon facts which are not before us.

MR. O'DONNELL: May I ask if the hon. Gentleman will deem it his duty to inquire into this very grave matter?

MR. E. STANHOPE: Of course, Sir, the India Office does not of its own motion inquire into every statement made by a newspaper correspondent; but as the hon. Member has called the attention of the House to this particular statement, I will cause an inquiry to be addressed to India without delay.

CUSTOMS AND INLAND REVENUE BILL.

QUESTION.

MR. THOMSON HANKEY asked Mr. Chancellor of the Exchequer, When the Customs and Inland Revenue Bill was to be taken? It was on the Paper for Monday, but it had not yet been printed, and so it would be very inconvenient to go on with it so soon.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was disappointed to find that the Customs and Inland Revenue Bill was not in the hands of hon. Members to-day. He believed it was owing to some technical error in the title or some clause that the Bill had not been distributed among hon. Members to-day. It would be in their hands to-morrow. He had put it down for Monday with the hope of bringing it on then; but if it was not convenient to bring it on then, it would be postponed to some other day.

PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTIONS.

In reply to the Marquess of HARTINGTON,

THE CHANCELLOR OF THE EXCHEQUER said, the Civil Service Estimates would be taken on Monday.

GENERAL SIR GEORGE BALFOUR asked the Secretary of State, When he intended to proceed with the Law of Hypothec Bill?

MR. ASSHETON CROSS: That subject is not in my Department, Sir.

Mr. E. Stanhope

MR. RYLANDS said, it would be convenient to know what would be the Business on Thursday next.

THE CHANCELLOR OF THE EXCHEQUER said, it was rather difficult to say beforehand exactly what would be the course of Business. The difficulty of naming any Business for any day was that disappointment was caused if it was found necessary to make a change. What he proposed was this—The Civil Service Estimates would be the first Order on Monday. With regard to the Customs and Inland Revenue Bill, it was his intention to take that second. If it was intended to raise any general important discussion on the second reading of the Customs and Inland Revenue Bill, probably it ought not to be taken at an advanced hour on Monday. If there was no such intention, it ought to be taken on Monday. Suppose they took the second reading of the Customs and Inland Revenue Bill on Monday, Tuesday was open to private Members. On Thursday he wished to proceed with two important measures—the Army Discipline and Regulation Bill and the Public Works Loan Bill.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE LAW OF DISTRESS.

RESOLUTION.

MR. BLENNERHASSETT, in rising to call attention to the Law of Distraint for the rent of Agricultural Holdings in England, Wales, and Ireland, and to move—

"That it is desirable that the power of Distraint for the rent of Agricultural Holdings in England, Wales, and Ireland should be abolished;"

said: It generally happens that laws which are permitted to exist unchallenged in easy and prosperous times, when adverse seasons come have to submit to careful examination, and are called upon to justify their existence at the bar of public opinion. It is, unfortunately, too true that this is a time when the conditions affecting the agricultural interest in

this country must necessarily be subjected to scrutiny. I do not wish to take a gloomy or exaggerated view of agricultural prospects; but signs are visible on every side that we are passing through a period of trial and difficulty of the most serious nature. Hundreds of farms lying untenanted; farmers who continue in occupation keeping their heads above water with the greatest effort, a necessity widely recognized for a return of a considerable percentage of rent; the competition of foreign producers great and ever increasing, the cereal and animal food imported costing considerably over £100,000,000, and forming nearly a third of all the agricultural produce consumed in this Kingdom; widespread anxiety amongst every class connected with the land. Surely these are indications which should lead us, in common prudence, to review carefully any portion of our legal system which there is reason to suspect may discourage the development, or hamper the growth, of that agricultural industry on which the national welfare so largely depends. A state of the law which in quiet old-world times, or in the full flush of the unexampled prosperity of recent years was not severely felt, may become a great and intolerable evil when we need the full and free control of all our energies to strive with less favourable circumstances. It is, therefore, I venture to think, not inopportune at the present time to ask the House to consider the expediency of dealing with a law intimately affecting the state of agriculture—a law which is peculiar, and exceptional in character, and, as I think I shall be able to show, unjust and mischievous in its operation. In proposing the abolition of distraint for rent of agricultural holdings in England and Ireland, I am encouraged by the fact that this House has lately affirmed, as regards another portion of the United Kingdom, the principle for which I contend. The effect of my Motion would substantially be to assimilate the law in the various portions of the United Kingdom. I have no intention of asking the House to listen to any minute account of the various theories which have been held as to the origin of the Law of Distress, or to any detailed narration of the stages by which it has arrived at its present state. Distress is one of

those primitive institutions which are found in various systems of ancient law. In a primitive society, where the help of a Court of Justice was not to be obtained, taking goods by distress was the simplest and most effectual means of compelling the person against whom it was employed to make the satisfaction required of him. Sir Henry Maine points out that—

“All forms of distress, the seizure of wife, child, or cattle, even when wholly unregulated by law, were improvements on older custom. The primitive proceeding was undoubtedly the unceremonious, unannounced attack of the tribe or the man stung by injury on the tribe or the man who had inflicted it. Any expedient by which sudden plunder or slaughter was adjourned or prevented was an advantage even to barbarous society. Thus, it was a gain to mankind as a whole, when its priests and leaders began to encourage the seizure of property or family, not for the purpose of permanent appropriation, but with a view to what we should not now hesitate to call extortion.”

In England, distress is a remedy so ancient that it is probably coeval with the Common Law itself, or, rather, it may be considered one of those principles which collectively constitute that system which we denominate the Common Law. The earliest mention of it is in an enactment of Canute, when we find it already established in an advanced state of maturity. The successive stages by which this ancient right of personal redress became converted into a remedy for the exclusive benefit of a single class of creditors—namely, the owners of land, may be traced in a great number of Statutes from the time of William the Conqueror and the Great Charter to the present reign. The first adoption of distress, as a means of recovering rent and enforcing the discharge of the other feudal liabilities, was a mitigation of the ancient rigour. For a long time, under the feudal system, the slightest failure on the part of the tenant was punished by an absolute forfeiture of the feud. At a later period, on each default on the part of the tenant, instead of forfeiture, the lord entered upon the feud and held possession till such time only as he had obtained satisfaction for his damages. This method, however, was found on trial to be scarcely less oppressive than the previous one, for it generally deprived the tenant of his only means of supplying the default, and thus amounted, in effect, to the very punish-

ment it was intended to extenuate. In process of time a still more gentle remedy was introduced by substituting the seizure of the cattle and other movables found on the land, the lord being entitled to impound and detain the things taken as pledges to compel the performance of the pledges required by the feudal contract. A distress in its ancient form may, therefore, be defined as—

“The taking without legal process of a personal chattel from the possession of the wrongdoer or defaulter into the hands of the party grieved, to be held as a pledge for the redress, performance, or satisfaction required.”

The modern relation of landlord and tenant gradually came into existence. As *Blackstone* describes it—

“The feudatories being under frequent incapacities of cultivating and manuring their own lands, soon found it necessary to commit part of them to inferior tenants, obliging them to such returns in service, corn, cattle, or money as might enable the chief feudatories to attend their military duties without distraction—which returns were the original of rent.”

Various provisions were adopted as a remedy against unjust and excessive distresses. Yet a learned writer describes the effect of the system in these words—

“Notwithstanding these provisions, the unbridled independence and tyranny of the barons during the civil wars which endangered the throne of the immediate successors of the Conqueror turned distress into an engine of private revenge and public violence. Unjust pretences of distress were falsely alleged, tenants and strangers alike outraged, suit and service wrongfully compelled, exorbitant reliefs demanded, illegal fines extorted, excessive distresses made, the regulations of replevin disregarded; in fine, every wrong practised for the oppression of the weak and the aggrandizement of the powerful.”

Legislation was for a long time directed towards protecting the tenant from the oppression of the lord; and by a long series of Statutes, and *Magna Charta* itself, it was sought to soften the severity of the remedy. The last of these mitigating Statutes was passed in the reign of Philip and Mary, enacting that a distress should not be impounded in several places so as to compel the party to sue several replevins. From the reign of Henry VIII. down to the present time, there has been a complete change in the spirit of legislation. We find a long series of Statutes, nearly every one of which has been passed with the object of improving the remedy in the hands of the landowner, the result being what

has not unfairly been described as “an almost unique specimen of one-sided legislation.” I shall not attempt to go through those Statutes with any minuteness. The most important of them was that passed in the reign of William and Mary, which completely altered, in favour of the landlord, the ancient character of the remedy. This was, in the words of Lord Chief Baron Gilbert—

“To empower the lord by seizing the chattels to oblige the tenant to perform the feudal services, the chattels remaining in the lord's hands as pledges to compel the performance, and the detention being no longer lawful than while the tenant refused to do the services which were reserved by the feudal contract.”

The Statute of William and Mary gave, for the first time, the distrainer power to sell the distress for satisfaction of the rent and charges. Among other rules of the Common Law relative to the subjects of a distress, one was that things belonging to the freehold were not distrainable; and another, that nothing should be distrained which could not be restored in as good condition as that in which it was when it was taken. By the former of these rules, landlords were prevented from distraining growing crops on the tenant's lands, and by the latter from taking corn, even after it had been cut. A subsequent section of the same Statute of William and Mary enabled the landlord to distrain corn in sheaves, or cocks, or loose, or in the straw, or hay in barns, ricks, or otherwise, as well as other chattels. A Statute of George II. further empowered him to distrain growing corn, grass, hops, fruits, roots, pulse, or other product of the land, and to cut and gather them when ripe to be disposed of in satisfaction of the rent. A Statute of Anne gave the power of distress to persons entitled to rent in arrear upon lease six months after the determination of the term, and the same Statute gave the right to follow and distrain goods clandestinely or fraudulently removed—a power which was subsequently enlarged by an Act of George II. In the reign of George II. the ancient rule of the Common Law, which caused the remedy to be attended with considerable risk, that if the party distraining were guilty of any irregularity in making or conducting the distress he thereby became a trespasser *ab initio*, was set aside, and it was provided—

"That, for any irregularity committed in making or conducting a distress for rent, the party guilty of it shall not be deemed a trespasser *ab initio*, but that damages shall be recovered by the person aggrieved by such act, in proportion to the injury sustained."

Two years later, another great innovation took place by an Act of the same Sovereign, extending the existing provisions for the recovery of rent by distress in cases of rent reserved upon lease to all cases of rent seck, rents of assize, and chief rents. The Statute of Limitations as to real property enacts that no person shall distrain for rent but within 20 years next after the time when the right to distrain first accrued, and provides that no arrears of rent shall be recovered by distress but within six years next after the same shall have become due, or next after an acknowledgment of the same in writing. By an Act passed in the present reign, a tenant's growing crops, taken in execution and sold, and remaining on the premises for the purpose of being reaped, are distrainable by the landlord for rent become due after the taking into execution. Woodfall, in his *Text-Book on the Law of Landlord and Tenant*, points out that, in consequence of this enactment, which was hastily passed for the benefit of landlords immediately after a decision to the contrary, the tenant's crops can only be sold under an execution for their value, less the rent to which they may become liable, and the costs of a distress; but the landlord may afterwards abstain from distraining, and so in effect benefit the purchaser *pro tanto* at the tenant's expense, after which he may sue the tenant for such rent, or distrain upon his other goods for the amount. A Statute of Anne provides that no goods shall be removed by the Sheriff under an execution from the demised premises, until one year's rent, if so much be due, is first paid to the landlord, otherwise the Sheriff will be personally liable in an action founded on the Statute. The law, in cases of bankruptcy and liquidation, is thus laid down in the Bankruptcy Act, 1869—

"The landlord, or other person to whom any rent is due from the bankrupt, may, at any time either before or after the commencement of the bankruptcy, distrain upon the goods or effects of the bankrupt for the rent due to him from the bankrupt, with this limitation, that if such distress or rent be levied after the commencement of the bankruptcy, it shall be available

only for one year's rent accrued due prior to the date of the order of adjudication; but the landlord or other person to whom the rent may be due from the bankrupt may prove, under the bankruptcy, for the overplus due for which the distress may not have been available."

It might be supposed from this that in case of insolvency the landlord's priority is limited to one year's rent. Practically, this is not the case. If the distress is put in at any time before the debtor, though long insolvent, has actually been declared bankrupt, it will be in the power of the landlord, who has stood by and allowed arrears to accumulate, to sweep off everything to the full amount of six years' rent, even though nothing be left for the other creditors. There are two Acts of the present reign which it is hardly necessary to mention—namely, those which have been passed for the protection of the goods of lodgers and of railway rolling stock from distress. The simplest form of distress, and that which bears the most evident traces of the primitive institution, is the impounding of stray cattle. This kind of distress has been little affected by legislation, and still remains very much as it was at Common Law. There is no power of sale. It does not arise out of the relation of landlord and tenant, and is founded on the principle of recompense which justifies a person in retaining that which occasions injury to his property till amends be made by the owner. With this ancient remedy, however, we had nothing to do. We may likewise dismiss from consideration the various statutory executions—distresses for poor's rates, distresses under the authority of Inclosure and other Acts, distresses to recover duties or debts due to the Crown. As a learned writer observes, although such proceedings are in the old books constantly termed distresses, they are, in fact, executions, prerogative executions, by seizure and sale. My Motion is confined to the power enjoyed by the landlord to distrain for non-payment of rent, and here it applies only to one class of tenancy—namely, agricultural holdings. Various considerations have led me not to propose to deal with the power of distress for the rent of houses in towns. It is quite true that, to some extent, the same principles apply to urban and rural tenancies; but, in the practical aspect of the question, there is a great difference.

I have been guided by the course the House has taken with respect to Scotland, it having clearly been considered desirable not to deal in the same way and at the same time with urban and rural hypothec. It is obvious that the evils produced by a preferential claim for rent are of much less magnitude in the case of town dwellings, where rent is only a small portion of a tenant's expenditure, and the fact of occupation has not the same tendency to mislead, than as in the case of farms, where the rent is a large and important item, and where the mere fact of being accepted as a tenant is calculated to create a feeling of confidence in the minds of others. What I have to ask the House to consider is, therefore, the landlord's right to distrain for the rent of farms. The slight glance I have attempted to take at the history of distress has, I hope, been sufficient to show that though the remedy itself is ancient, the peculiar form it now has is of comparatively recent introduction, and is, in fact, entirely different from its original character. So far as it is ancient, it is derived from a state of society and social circumstances totally different from the conditions of modern life. So much I have felt bound to say, in venturing to move the abolition of a law which existed in the days of Canute. After all, it is a practical question which we have to decide. Is the Law of Distress, whatever its history and origin may be, suited to the circumstances of the present day? Is it good, or is it bad, for the country? Does it promote, or does it hinder, agricultural improvement? By these tests it must stand or fall, and I shall endeavour to apply them fairly to it. The first point that must strike everyone, in considering this law, is its highly exceptional character. As Mr. Howard Taylor has well put it—

"It is not only a class law, but a class exception from law, rendering the landlord, as compared with ordinary creditors, a chartered libertine."

Distress is one of the few cases in which the law permits a man to take his remedy into his own hands. It is what *Blackstone* calls—

"An extra-judicial or eccentric form of remedy—namely, that which is obtained by the mere act of the parties themselves."

Such remedies can only be excused by some pressing necessity requiring more

speedy redress than can be had in the ordinary forms of justice. "It is against reason," says Littleton, "if wrong be done any man, that he thereof should be his own judge." The few other instances in which "the law allows a man to be his own avenger, or to administer redress to himself," are justified by an obvious necessity which it is impossible to plead in the case of a landlord seizing chattels of the tenant for non-payment of rent. They are self-defence, which is the first law of nature; the re-seizure of property, wife, or child, wrongfully taken, which might otherwise be destroyed or carried out of reach; entry on land, which another person without any right has taken possession of; the abatement or removal of nuisances, which, as matters of daily convenience, require an immediate remedy; lastly, the right of the person entitled to seize waifs, wrecks, and estrays, because the thing to be claimed is frequently of such a nature as might be out of the reach of the law before any action could be brought. Distress for rent differs from all these, not only in the absence of the pressing necessity, which is their sole justification, but also in the fact that it is a remedy for what is really a breach of contract. Even in the Scotch Law of Hypothec, the landlord seeking to sequester the tenant's property has to make application regularly for sequestration on reasons given to the Sheriff. I believe it would be impossible to find in our law another instance in which a man is allowed to take the law into his own hands in order to obtain a remedy for a breach of contract. The practical evils resulting from the arbitrary and ill-regulative nature of the proceeding by distress were clearly pointed out to the Select Committee of the House of Lords, which sat in 1869, to inquire into the Law of Hypothec. Mr. Henry James—the present hon. and learned Member for Taunton—was examined before the Committee, and, after pointing out that anyone could distrain—the landlord could either do it himself, or choose any person he thought fit for the purpose—he added—

"The result is that the class of persons executing such a process—it not being a very agreeable occupation—is formed generally of persons who are for the most part insolvent themselves, and who are not certainly sufficiently careful with respect to the due performance of their duties. They seize oftentimes a quantity

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of goods which is more than sufficient to satisfy the distress, and sell them to personal friends of their own at very much less than the real value. The result is that the tenant often has his whole household broken up, when a very small seizure would have sufficed to pay his rent. If he complains, he has to complain by action against the landlord for taking excessive distress. The effect is that great injustice is done to the tenant, and almost equal injustice is done to the landlord."

The present Lord Moncrieff pointed out the less severe operation of the Scotch Law of Hypothec, where, by the simple application for sequestration and taking an inventory, the security attaches, without the shock to the tenant's credit of going on to distrain, and taking possession of the goods. An Englishman boasts that his house is his castle; but it is a strange thing that the day after rent falls due, without notice, and without legal formality of any kind—a power which exists in the case of no other personal obligation whatsoever—some dirty and drunken ruffian may be called from the streets and sent to run riot upon your premises, inflicting incalculable damage, far beyond the amount of the claim against you, damage for which redress, if it be obtained at all, can only be sought by expensive and tedious legal process. It must, I think, be seen that such a power as this, however appropriate as an instrument in the hands of feudal lords to enforce the obedience of their vassals, is utterly out of harmony with the commercial principles which regulate the relations of the owners and hirers of land at the present day. I have endeavoured to show that distress is an anomaly and an anachronism, both as regards its nature and the means by which it is enforced. There are other respects in which it is an exceptional and peculiar law. It is a law which gives a preference to one class of creditors over all others. The general principle of law is that when a man is not able to pay his debts, his property shall be equally divided among his creditors. The Law of Distress creates a preferential claim, varying from one to six years' rent, according to the time when it is put in force in favour of one particular creditor. The Law of Hypothec, though limited, in the case of crops, to the rent of the year in which the crop is grown, and in the case of cattle to the current year's rent, gives a similar preferential

claim—the difference is one of degree. The principle involved in this preference was one of the points investigated by the Select Committee. An attempt was made to show that the special preferential security enjoyed by the landowner resembles some other instances in which special rights over property are given to certain persons in preference to general creditors by the Commercial Law of this and other nations. As this is a matter on which great stress is laid on the part of the Committee, I am afraid I must trespass on the patience of the House with a somewhat dry and technical argument while I endeavour to get to the bottom of it. The argument in favour of hypothec is thus stated in the Report—

"Familiar instances of such a preference"—i. e. special preferential security—"are afforded by the lien that shipowners have on the cargoes of their ships for their freight, and by bottomry bonds, which give to their holders a prior claim over the other creditors of the shipowner for money lent for repairs necessary for the safety of the ship. In these cases, the law seems to have been suggested by its having been found convenient to afford special facilities for granting, and obtaining credit in the transactions to which it applies."

And further, in paragraph 10—

"It is well known that our Commercial Law allows holders of various kinds of property to pledge to particular creditors property of which they have the command, so as to give those secured a preference over other creditors in case of their bankruptcy. Much of our valuable trade could not be carried on without this facility for raising money. By the Law of Hypothec, the tenants of land or houses are, in fact, enabled virtually to pledge their crops, and the property on their premises, as a security to their landlords for their rents, just as a merchant, importing wine or sugar, may pledge the dock warrants that represent the property, in order to obtain money to carry on his business. When either farmers or merchants become bankrupt, such pledges are good against the general creditor."

In inquiring how far these instances of preferential security resemble "distress," it is necessary to bear in mind that distress and hypothec, though their practical operation may be similar, have had a different origin and are founded on totally different principles. I shall contend that the instances of preference referred to are substantially different from the right of hypothec, and do not carry us any way in disproving the exceptional character of that law. But, even if this were not the case, it would not prove that these preferences were similar to distress. The right of hypo-

thee, like the hypothecation known in maritime law, is derived from the Roman Civil Law, and supplanted in Scotland the old Law of Distress. As the present Lord Moncreiff explained to the Committee, hypothec arises from a tacit contract, or contract arising by implication of law; it is a pledging to the landlord the property of the tenant while it remains in his possession by way of security for the rent. Distress, on the other hand, a relic of the old feudal power, though now used to enforce rights arising out of contract, is not founded on any implied contract or any notion of a hypothetical assignment of the tenant's goods. The right to seize strangers' goods disposes of this idea. As Mr. Taylor puts it—

“Can anything be more ridiculous than that any tenant should be imagined to create a security over his neighbours' chattels present and future for his—the assignors'—own debt, may, for his future non-existing debts, a charge shifting off or on according to the whereabouts of unscheduled, unspecified property, and without warning or consideration to the neighbour affected?”

This idea of a hypothecation, or pledging of the tenant's goods as a security for the rent, is perfectly inconsistent therefore with the nature of distress, and no substantial analogy between distress and maritime or other hypothecations can be maintained. I might safely leave the argument here; but to show the utter hopelessness of any attempt to defend either distress or hypothec, on the ground of a supposed resemblance between them and other preferential securities recognized by the law, it may be worth while to go a little further. Let us leave out sight the feudal origin of distress, and the absurdity of supposing that anyone could create a lien or security over the goods of another, not in his possession and without the knowledge of his owner, and let us look simply to the effect of distress as giving the landlord a preferential security for his rent, and inquire whether this preference is of the same character as that existing in maritime or other liens. Looked at in this way, the cases of distress and hypothec may be said to resemble one another, and the evidence given before the Committee is applicable to either the Scotch or the English Law. A lien is the right of a person in possession of goods to retain them until a debt due to him has been satisfied. It

is merely a right to retain the possession of the goods, and depends on service rendered. The English law on the subject may be found in the evidence of Mr. James, at page 8 of the Blue Book, containing the Report of the proceedings of the Select Committee. Mr. James says—

“In our land no lien, in the proper sense of the word, can exist without possession. There may be hypothecation without possession, but to have a lien you must have possession. If, for instance, you sent cloth to be made into a coat, or if you sent your watch to be cleaned, the tailor or the watchmaker would have a lien upon those goods until he was paid; but I know of no case in which lien exists, without possession, actual or constructive. The first claim which the owner of a vessel has over the cargo for freight is a case in point, resting directly, like the liens of railway companies and other carriers, on services rendered and on possession.”

The witness subsequently referred to certain provisions of the Merchant Shipping Act, by which the person having the lien may land goods and put them into bonded warehouses, and pointed out that this was a case of constructive possession by Statute. The essence of the contract of letting and hiring land involves the making over to the tenant, for the period of the demise, of the entire right to the use of the soil which produces the crop. No one, therefore, I think, will venture to maintain that the landlord is in possession, either actual or constructive, of the property of the tenant. Still less is he in possession of the property of a stranger, which is temporarily or accidentally on the premises. It is clear, therefore, that there is no likeness between the right of lien, as commonly known to the law, and the right of distraint. The question is now narrowed to the case of hypothecations, by which preferential security can be given over goods without a transfer of possession. The only instances of hypothecation in our law are those which have been so often pressed into service in discussions on hypothec—namely, what are called bottomry bonds and respondentia, arising out of the power intrusted to a master of a vessel, in consideration of money advanced for repairs necessary for the safety of the ship or cargo, to make the ship or cargo liable for repayment, when the voyage is safely performed. Nothing could more clearly betray the utter weakness

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of the case than the attempt to bolster it up by such analogy. In the first place, the lender in bottomry bonds cannot take the law into his own hands. He must, like any ordinary creditor, invoke the assistance of a Court to enforce his claims. Then the power of pledging ship or cargo rests upon absolute necessity. Without such a power, it might be impossible in a foreign port to raise the money necessary to put the ship in a safe state for the prosecution of her voyage. It is a power which the master is not entitled to exercise if he can raise money by other means on the credit of the owners. "Necessity alone," says Lord Stowell, "supports bottomry bonds; the absence of necessity is their undoing." I wish to speak with the utmost respect of the labours of the Select Committee; but I must confess that I have searched in vain through the evidence given before it for any grounds for the conclusions expressed in the paragraph of the Report which I have quoted. Some suggestions favourable to such a view may be found in the questions put to the witnesses, but the answers I fear can hardly have been deemed satisfactory. The evidence of an eminent English lawyer I have already referred to, and I do not think there was much comfort got out of that. A Scotch legal authority of the highest eminence, the Lord Advocate of the day, also gave evidence which was very much to the point, though not quite the same point as that indicated in the Report. At page 321 of the Blue Book, Lord Moncreiff is asked—

"Are there not cases in which there is a right of Hypothec over other matters as well as real estate; for instance, in what are called time charters when a person hires a vessel, the owner of the vessel having the first claim over the cargo as against all other creditors?"

The Lord Advocate replied—

"That, again, is one of the rights of lien arising out of the Merchant Law and out of the necessities of Commerce. I do not consider that there is an analogy."

At page 322, he is further pressed—

"Do you not consider the case of bottomry bonds an analogy?"

He answered—

"I do not; a bottomry bond is a wager in very difficult circumstances, under which the creditor advancing his money is to get a very large return in the event of the vessel arriving

safe, and in the event of the vessel not arriving safe, he gets nothing at all. I do not think any great light is to be thrown upon the question of landlords' hypothec by these illustrations, excepting that it shows it is not inconsistent with the general principles of law, that where the risk is unusually disproportionate to the interest, there should be a special power of security."

This evidence, coming from so high an authority, does not seem to carry us very far in the direction of the Report. It requires a vivid imagination to see a resemblance between a vessel, out of repair in some strange and distant port, and unable to prosecute her voyage, with, perhaps, a perishable cargo on board, driven by sheer necessity to obtain, on any terms, the advance of money necessary for repairs, and an ordinary landowner seeking payment for his half-year's rent with all the ordinary means of legal redress at his disposal. What is a landlord's risk compared to that of a stranger who advances money on a ship which may never reach her destination? What, even, is the landlord's risk compared to that which is incurred by the ordinary creditors of the farmer, or by ordinary creditors in commercial transactions? His position, instead of being one of extraordinary risk, is one of pre-eminent advantage. He has great power and influence over the debtor. He can protect himself in a variety of ways. He selects his tenant, and has the best means of obtaining information as to his position and character. He can make any terms he thinks necessary for his safety. He may require payment in advance, or the name of some substantial person joined as co-tenant. He can demand surety, or may take a deposit in security. Above all, the loss which he can incur is extremely small when compared with that which may fall on the ordinary trader. The trader runs the risk of losing principal and interest. Land, happily, cannot take to itself wings and fly away, as money often seems to do, and the utmost the landlord, using ordinary diligence, can lose is the rent of his land for a short period—substantially, in fact, his risk is limited to what may be considered the interest on his capital. So far, therefore, from there being in the case of the landowner's claim for rent the special urgency and the high degree of risk which justify the preferency created by bottomry bonds, he is of all creditors the safest and the least in danger of loss. I must apologize

to the House for having gone so minutely into this point. It really is not worth it. But I hope, by having done so, I shall have exploded a fallacy which can only have arisen from a confused way of thinking and a loose and inaccurate use of language. I have now endeavoured to show that the Law of Distraint for rent is not only exceptional as to its nature and the means by which it is enforced, but that it is also without parallel in our law, as a special preferential security in favour of one particular class of creditor over property not in his possession, and unsupported by the peculiar necessity which alone justifies such security in the few other instances in which the law allows it. It is hardly necessary to allude to bills of sale and to mortgages. A bill of sale is a conveyance of goods by a person owing money to a person from whom he borrows money by way of security. It is good neither against a landlord's claim for rent nor against creditors under a bankruptcy. A mortgage is conveyance of the land subject to a power of redemption. Neither of these has any resemblance to distraint. Distraint, being a remedy of such an exceptional character, and so contrary to the general spirit of the law, what justification can be pleaded in its defence? It is a privilege which illustrates the observation of Adam Smith, that—

"Laws frequently continue in force long after the circumstances which first gave occasion to them, and which could alone render them reasonable, are no more."

Not a few reasons, however, are given in support of the fairness and usefulness of this law. Of these, perhaps, the one apparently deserving the greatest consideration is that which we find in page 5, paragraph 11th, of the Report of the Select Committee. This paragraph is as follows :—

"It may be observed, moreover, that the landlord is necessarily in a position different from other creditors. A merchant, if he entertains any doubts as to a customer's solvency, can refuse to deal further with him, whereas a landlord, who lets his land on lease, parts with the control of it for a term of years; and as the condition usually inserted in a lease, that it shall be forfeited for non-payment of rent, cannot be enforced without legal process, a considerable time may, and frequently does, elapse before he can recover possession of the land, during which a fresh debt is accruing in the shape of rent from the tenant."

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It would be obviously unjust, in dealing with the landowner's preferential claim, so as to place him, for the recovery of rent, on a level with other creditors, to neglect any peculiar circumstances in his position which would leave him at a disadvantage. That peculiar circumstances do to some extent exist must be admitted, and how they can in fairness be dealt with is a problem which confronts the advocates of the abolition of distraint. This point was directly put to Lord Moncreiff in his examination before the Select Committee. At page 306, he is asked this Question—

"The landlord's position is somewhat different, is it not, from that of a dealer in manures, or in artificial food, or anything of that kind, who might at once refuse to supply anything further to his customers?"

The answer is—

"I observe that in the evidence given before the Commission that illustration is very frequently used, and it is true to a certain extent. At the same time, a landlord has manifestly certain counterbalancing advantages which the ordinary creditor has not, and never can have."

At page 324, Lord Moncreiff says—

"I rather think that the landlord's position is a super-eminent one, and that he has a good deal more in his power than an ordinary creditor, and I do not think that even if the right of Hypothec were abolished, he would stand in a worse position than other creditors."

What Lord Moncreiff calls the "super-eminent position" of the landlord, and the high consideration attached by the law to his claim for rent, is capable of many illustrations. Perhaps none is more striking than the decision of the Courts in the well-known case of *Davis against Gyde*, which, so far as I am aware, has never been questioned. If a bill or note payable at a future day be given on account of an ordinary simple contract demand, for instance, for the price of goods sold and delivered, or even if it is given on account of a judgment debt, it will suspend the right to sue for the original demand until the time has arrived at which the bill or note was payable. In *Davis against Gyde*, it was held that it is otherwise where such an instrument is given on account of rent, for that being a debt of a superior degree, cannot be suspended by a security of an inferior class; and, therefore, if a landlord take a note of hand at three months, or a security for the rent under a bond, or

agree to take interest on rent in arrear, he may nevertheless distrain the next day if he thinks proper. An undoubted peculiarity, however, in the landlord's position arises from the rule of law that rent does not become due until the end of the day on which it is made payable. Before that period has arrived the landlord must stand by, and although his land has been in the occupation of the tenant, he must allow the other creditors to sweep off everything. This is a grievance from which the power of distress does not protect him, for no distress can be made until the day after the rent has fallen due. It is obvious, however, that the remedy is, to a large extent, in the landlord's own hands. There is no objection in point of law to an agreement by which rent is made payable before the time for which it is to be paid has elapsed. In some districts, I believe, by a local custom, rent is payable as soon as the half-year begins, and this, of course, gives the landlord a right to his remedies immediately. Should this appear objectionable, it would be perfectly simple, though agricultural rents are ordinarily payable half-yearly, to reserve them at shorter intervals. Mr. Burton, a Lincolnshire solicitor, told the Select Committee that prudent solicitors often reserve rents quarterly as a protection to the landlord, without any intention of receiving them oftener than half-yearly. The faintest shadow of grievance would be removed if the law, following the principle of the Apportionment Act, by which rents, like interest on money lent, though payable at fixed periods, are considered as accruing from day to day, were to give the landlord, in case there is good ground for thinking that the tenant is verging on poverty, the rights of a creditor for the current rent, though the conventional time of payment had not arrived. Another peculiar feature of the landlord's position is the difficulty and delay he may have in getting possession when the rent is not paid, and further rent is constantly accruing. This will, no doubt, be fully dealt with by the hon. Member for South Norfolk (Mr. Clare Read), who has an Amendment on the Paper to the effect that the right of re-entry for the non-payment of rent should be made more simple and speedy. On general grounds I certainly look with favour on the

Amendment; but I am anxious to hear by what particular means the hon. Member proposes to effect his purpose. Recent events make it necessary to subject such proposals to very close scrutiny. The action of ejectment is slow and troublesome. It may be prolonged at great hardship to the owner by an insolvent tenant's using dilatory pleas. The policy of the law recently has been to give in every case of truthful and undisputed debts a certain and easy mode of recovering them. For instance, on a bill of exchange, the defendant is prohibited from defending unless he shows that he has really a good defence and gets leave to defend. Whether rent is paid or not is a simple matter of fact, which should be easily and quietly ascertained, and when it is ascertained, the landlord should be put as speedily and inexpensively as possible into possession of his land. However, this is a branch of the subject, which, fully admitting its great importance, I am glad to leave in the able hands of the hon. Member for South Norfolk (Mr. Clare Read.) I have attempted to show that by accompanying the abolition of distress with one or two minor or simple changes in the law, the landowner would be under no disability in any respect, as compared with other creditors, while he would continue to enjoy many great and peculiar advantages necessarily attached to his position. What would be the effect upon the condition of the tenant? One of the arguments most frequently urged against the abolition of Hypothec is that the landlord being deprived of his special security would insist upon an earlier payment of the rent. It is obvious that the postponement of rent is equivalent to a cash credit to the tenant for the time being. But, say the defenders of Hypothec, if this right be taken away, the system of deferred rents will be abandoned and forehand rents will be required. The merits of the Scotch controversy are not before us; but this argument does not apply to England, because what a Scotchman would call forehand renting is the almost universal practice here. Under the Scotch system of deferred renting, the first payment seldom takes place for less than 12 months, more frequently 15 or 18, and in some cases, even as much as 21 months after the tenant has entered upon a farm. In England the tenant generally speaking enters at Michaelmas, and pays his

first half-year's rent at the Lady Day following, with such grace as the landlord chooses to allow him. It may be said, however, that if Distraint be abolished, the landlord will not be content with this, but will require payment in advance. No one can question the landlord's right to make any terms he may think necessary for his own protection. Should the absolute security of payment in advance be required, it would, like other special advantages, have to be discounted in the terms of the bargain. Anyone who wanted exceptional safety would have to pay for it. I have not the least fear, however, that any considerable number of owners would consider such a precaution necessary. Ordinary care in the selection of tenants, and properly-drawn covenants would give all the security that any reasonable man would think necessary. Another safeguard was pointed out by Mr. Makgill, an English witness of great agricultural experience, before the Royal Commission. He drew attention to the fact that along with the system of yearly leases there has grown up a system of tenant-right, which in some parts of the country has attained very large proportions, and which, being as it were a set-off, forms an important security to the landlord for the rent due. The tenant is entitled to certain repayments for manures, for cake, and for acts of husbandry actually performed on the land, so that the payments due to a tenant at his out-going may greatly exceed his last half-year's rent, and, in some cases, actually exceed the whole year's rent. In some parts of the country, as in Lincolnshire, the tenant-right is of still wider extent. It may be worth observing, here, that it is one of the peculiar hardships of the Law of Distraint, that no set-off or counter-claim on the part of the tenant interferes with the landlord's right of distress. Landlords, it may be argued, without distraint to rely on, will not show the same indulgence to tenants. But it may fairly be questioned whether it is proper that the law should protect landowners from risk, in granting indulgence to needy or insolvent tenants. They may do it out of kindness if they please. Business and sentiment must be kept apart. No doubt, it will be, so far as it goes, a loss to the tenant to be deprived of the extra credit with the landlord which he has under the

present system. The question is whether the advantage is not one for which he pays too dearly. Preferential security to one creditor can only be given at extra risk to all other creditors. The credit which the farmer has with his landlord entails a loss of credit with every other person with whom he deals. The banker, the manure merchant, the seedsman, the implement maker, every person from whom the farmer buys, all know that, in dealing with him, they run a peculiar risk, and that, in the event of his becoming unable to meet the claims upon him, one creditor may, and often does, get 20s. in the pound, while the general body of the creditors are obliged to content themselves with an infinitesimal dividend. In a case that actually occurred, the landlord was paid in full, and the general creditors got one-halfpenny in the pound. The consequence is, that the tenant pays higher prices to cover extra risk, and obtains credit on less easy terms than if his position were not so uncertain. His general transactions, also, are unduly hampered, and he is prevented from disposing of his produce at the best times and on the most favourable terms. At a recent meeting of the Central Farmers' Club at which this question was discussed, Mr. Hodges, who is, I believe, an extensive farmer in Kent, showed by a practical illustration, what serious obstacles the present state of the law places in the way of business arrangements. In the county of Kent, he said, a great many occupiers of land were in the habit of selling their hay and other produce of that kind to persons in the Metropolis, and when the time came for removal to London, there were often great difficulties in the purchasers getting possession of the haystacks and so on for which they bargained. The consequence was, that the course of business was greatly interrupted, and often at a time when it was necessary that produce should be reduced into cash in order that engagements might be met, and men were in that way pushed, as it were, into the Bankruptcy Court. On the same occasion, Mr. Aveling, a member of a firm of agricultural implement makers at Rochester, said that last year his firm sold a set of steam-ploughing machinery of about £2,000 value to a farmer, from whom he had received excellent re-

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ferences. The machinery had, however, been at work only about two months, when he received a telegram on a Sunday morning to this effect—"Sorry to tell you a distress put in for rent, ploughing machinery in a neighbouring farm, get it if you can." By a piece of good luck, he was able to remove the machinery the same night, and so he lost nothing. They all knew, he added, that at the bottom of the circulars of the great waggon companies were the words, "deferred payments;" but how could anyone expect him or other manufacturers of agricultural machinery, to enter into a large contract with deferred payments in such a state of the law as that which now existed? It would be easy to multiply instances of the obstacles which liability to distress puts in the way of farmers, both in making the best terms in their dealings with the public, and in obtaining the credit of which they stand in need in order to carry on their operations successfully. It would be a great error to estimate the influence of the law by the number of cases in which a distress is actually carried out. These are comparatively rare. This was admitted to the Committee by Mr. Burton—a strong advocate for the retention of the law. He says—

"In England distresses are, comparatively speaking, very seldom resorted to compared to the extent to which the Law of Distress is always quietly operating."

In bankruptcy the assignees often pay without the landlord's distraining. The landlord's rights to his rent, by virtue of the Law of Distress, are constantly and quietly operating without actual distraining being resorted except as an exceptional thing. In like manner, the effect of the law in the tenant's credit is frequently severely felt where the possibility of a distress is never mentioned. A tenant, says Mr. Howard, formerly Member for Bedford, resorts to a banker for an advance to tide him over a crisis; of course, nothing is said by the banker or bank manager at the interview about the ugly question of the Law of Distress, and it probably never once crosses the mind of the would-be borrower. But is anyone simple enough to suppose that it is absent from the mind of the banker when he very blandly informs him that he can be accommodated with the advance, only, he adds, reliable security

will be expected? The influence of distress in stimulating an unhealthy and unsound competition for land, and raising rent above its natural economic level, is extremely mischievous. No one can desire on public grounds that land should be let for less than its full value. The landowner who accepts less than a full rent may confer a favour on the individual who hires his land as he would if he made him a present, but he does no public service, and it is no part of the duty of the State to encourage him so to act. But where rent of land is determined by competition, by what is called "the higgling of the market," sound commercial principles should prevail. Protection should not be given to the owner of a certain commodity by which he may be led to neglect the ordinary precautions of business, and to grasp at a price which is not justified by the circumstances of the property he has to dispose of. The landlord's priority is a premium held out to him by the State to neglect the ordinary precaution of selecting suitable tenants with adequate capital, and it is also a direct inducement to persons without means or skill to enter into a reckless competition for the hire of a commodity which they can employ neither with profit to themselves nor advantage to the country. Nothing of greater weight could be adduced on this point than the evidence before the Royal Commission of one of the best known and most successful farmers of Scotland, Mr. William Scott of Timpendean. Mr. Scott speaks with immediate reference to Hypothec, but the principle involved is precisely the same. He says—

"I think the effect of the abolition of the Law of Hypothec would be to improve farming. There would be a much better class of tenants than many who now offer for farms and get them. I think it would lower the rents a little at first, though I have no doubt they would afterwards come up to the same amount. A number of the present successful offerers for farms have neither skill nor capital, and a man without both has no chance. I have known landlords take such men. . . . I have known tenants get farms who ought to have been bankrupt at the time they were taking them. If the law were abolished, tenants with capital would be sure, that in offering for farms, they were competing on equal terms, and not against men that had nothing to lose. At present, it is a mere speculation with men that have no capital—a sort of 'heads I win, tails you lose.'"

The effect of reckless letting of land in creating a fictitious rental is by no means

limited to the land so let in the first instance. The example is contagious. If hon. Members will turn to the Report of the Royal Commission of 1864, page 122, they will find the process described by that eminent agriculturist, the late Mr. Hope of Fenton Barns—

“A landlord advertises a farm and lets it to the highest bidder (at say £4 per acre). If I am going to value any land near it, my mind is naturally biased to see if this farm I am going to value is worth £4 an acre. I say, ‘Here is one, it may not be so good, let at that sum; the farm I value must be £4 an acre too.’ While the man who took the farm that was advertised does not pay his rent; very probably getting a reduction of rent in a year or two.”

The true principle was elicited by a noble Lord, a Member of the Select Committee, in his examination of Mr. William Scott. The noble Lord, who evidently totally misapprehended the position of the advocates of the abolition of hypothec, asks Mr. Scott—

“Do you consider it to be consistent with Free Trade principles that the State should prescribe to the landlords upon what system they should manage their estates? Answer—I do not. Do you consider that it is consistent with those principles that they should be required by law to be prudent, and to choose tenants with capital instead of others? Answer—Not at all. Therefore, if under the present law the landlord is imprudent and chooses tenants without capital, that is his own affair, is it not? Answer—Not at all under the present law, because he is protected at the public expense; at the expense of other creditors.”

This is exactly how the case is. Without dreaming for a moment of any interference with the landlord's right to manage his property as he thinks fit and to let his farms to whoever he pleases, we do protest most earnestly against a law which affords him special immunity from the results of a want of care and prudence which in other transactions would be disastrous, and which encourages him in a course of proceeding which presses hardly on the competent and solvent farmer, and is highly injurious to the general interests of agriculture. When trade hardly existed, and land was held under feudal tenures, the power of distraint may not have been felt as an injury and inconvenience. But all this has passed away, and landowners now find their best interests are bound up with the commercial treatment of land. The scientific discoveries and mechanical improvements, which have increased the productive powers of the

soil and swelled so enormously the rent-rolls of its owners, have made farming a pursuit quite different from the simple culture of by-gone days. Successful farming now requires the control of a large capital, and involves heavy and complicated business transactions in many quarters, and with all sorts of persons. The modern farmer is a man of business who needs the full control of all his resources, and the free use of all his energies. If you fetter and cramp his commercial freedom in the rusty bonds of antiquated privilege, he will be overmatched in the fierce strife of world-wide competition; and, with falling rent and diminished production, you will mourn, when it is too late, that decline in British agriculture which a selfish and shortsighted policy will inevitably produce. The farmer is no longer shielded by protective duties in the disposal of his produce; he has to face the competition of the world. The fresh unexhausted soils, the low rents, and the light taxes of new countries, with the wonderful improvement in the means of transport, bring dangerous competitors to his very door. The present position of the English farmer taxes to the uttermost the powers even of the strongest. In better times, it is full of anxiety. In 1869, Mr. Wilson, of Edington, wrote to the Chairman of the Select Committee a letter, pointing out in forcible language the peculiar risks attendant upon the farmers occupation—

“When a man enters into a farm he at once invests his means, usually his whole means, in a concern beset with very great risks indeed, and which yields smaller average profits than any business employing a similar amount of capital and labour. What may be called its natural risks, arising from adverse seasons, and from disease and death of live stock, are always very great, besides which there are those which it has in common with other occupations from fluctuations in markets, bad debts, and the dishonesty or carelessness of servants. In the case of a farm let on lease for a term of years, the tenant comes betwixt the landlord and all those risks, and also keeps its fixtures in repair, and insures them against fire. The landlord gets his rent term by term, whether there has been a profit or no; and if the farm proves to be rented above its value, or if disasters befall the tenant, it often enough happens that he has to leave it a ruined man, although all the rents have been paid in full. It is surely unbecoming to manifest such anxiety to have the interests of the naturally strong party, whose risks are small, fenced and secured in every possible way, while those of the weaker party, whose risks are so great, are deemed unworthy of notice.”

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But there are other persons to be considered as well as landlords and tenants. If the landlord's claim on the estate of an insolvent be paid in full, the dividends applicable for the discharge of all the other claims must, of course, be diminished. I do not know that implement-makers, or dealers in manures, seeds, or feeding stuffs, have any special claim to regard; but, certainly, if service done should be remembered, they deserve the utmost consideration at the hands of landowners. Without their energy and enterprize, anything like the present standard of rent would have been impossible. They do not profess to be animated by philanthropic motives, but they seek no exceptional favours. They are men of business; but they do expect that those who reap so rich a harvest from their labours will not deny them fair commercial equality in their dealings with those with whom they conduct their transactions. Every improvement, by which the expenses of cultivation are lowered and the cost of production diminished, cheapens the price of food and is a general advantage to the community. Landowners, however, derive a special advantage from these improvements. Ultimately, indeed, the whole advantage is absorbed by them. Farmers, who use improved machinery or manures may profit by them for a time; but if the expenses of production are thereby permanently diminished, they will be able, with the same margin of profit, to pay more rent, and the competition of capital will soon oblige them to do so. Nothing in the operation of the Law of Distraint offends more strongly against one's ordinary sense of justice than the consequences which proceed from the principle that it is the place where they are found, and not the persons to whom they belong, that renders them liable to distress. It is hard that agricultural implements, tiles, manures, and other property which have not been paid for, should be distrained for the rent of the land on which they are found. It is harder, still, that cattle and sheep, sent upon a farm for temporary keep, and which are not the property of the tenant at all, but belong to some innocent third person, should be seized and sold for arrears of rent. A case, showing the monstrous abuse to which this law may lead, occurred not long ago in Kent, and attracted con-

siderable attention. The facts were publicly stated at a meeting of the East Kent Chamber of Agriculture, held at Canterbury last October, and a strong feeling of indignation was expressed. I refer to the case of Lake and Duppa. Mr. James Lake, the aggrieved party, told his story to the meeting, and the facts, I believe, are undisputed. Mr. Lake said that he had been in the habit for many years of sending his lambs, as soon as they were weaned, on to a hill occupied by a neighbouring tenant-farmer, to eat off the aftermath. Having been very unwell lately, Mr. Wood, who managed those things for him, put out his lambs for him this year; and he had received a report from Mr. Wood which contained a complete statement of what had occurred. On the 25th September two men were sent over to bring the lambs back, when they found Mr. George Duppa, the landlord, in possession of the farm. The broker was not there then, but arrived shortly afterwards, and refused to give up the lambs, although well aware to whom they belonged. On the following Wednesday, Mr. Wood called on Mr. Hoare, Mr. Duppa's solicitor, and was referred by him to Mr. Duppa himself, who said he should sell the sheep. On Monday, the 30th September, a bill of the sale was brought to Mr. Wood, and the sale took place on the 2nd October. Mr. Lake said they would see from this that on the 24th September Mr. Duppa seized these lambs, no bill of sale came out until Monday, the 30th, and on Wednesday the lambs were sold; so that really, if Mr. Wood had not happened to be on an adjoining farm, the sheep would have been sold, and the owner, Mr. Lake, would not have known anything about it. It appeared there was four years' rent in arrears, which, with expenses, amounted to £495. The rent of the farm was £112. It was raised from £80 to £112 when Mr. Duppa bought the land, and it was four years' rent at £112 that the distress was for. The tenant's effects realized £135—a great deal more than they were worth—and his, Mr. Lake's, 160 lambs sold for £360, making £495 in all; so that Mr. Duppa had actually got £350 of his in hard cash. He thought the state of things thus revealed ought not to be allowed to exist in any civilized country. Comment on this case is unnecessary.

The facts speak for themselves. Distress has been defended on the ground that the relation between landlord and tenant is a sort of partnership, giving the landlord a claim for his rent upon what is found on the land. But what is the meaning of such language, applied to such a case as this? What partnership or *quasi*-partnership existed between Mr. Lake, the owner of the lambs, and Mr. Duppa, the owner of the land? How can it possibly be argued that Mr. Lake's lambs were Mr. Duppa's share of the produce of the farm? I pass on to glance very briefly on the effect of the abolition of Distraint on the position of the landowner. I may say, in passing, that I approach this question not as a farmer or as a dealer in implements, manures, or anything of the sort. My income is derived from the ownership of land, and it is because I believe the abolition of Distress would be conducive not only to the general welfare of the country, but also to the true interests of the landowners, that I bring forward this Motion. It has been urged by those in favour of the existing law, that if it were abolished, the landlord's power of raising money for the improvement of his estate would be greatly diminished, as anything which tends to impair the security of rent tends necessarily to improve the mortgagee's security for the payment of interest. This objection was stated in the draft-Report submitted to the Select Committee by the Chairman, Lord Airlie; but as it does not appear in the Report ultimately adopted, it may fairly be assumed that the Committee were unable to find evidence to support it. Let us turn for a moment to the evidence itself. Witnesses of great experience and authority were examined on the point. At page 5 of the Report, Mr. James is asked—

"Supposing the right of Distress to be abolished, and that security, if it is a security, taken away, would the lenders of money on mortgage find it necessary to require either a large margin in lending on the security of land, or to raise the rate of interest, or perhaps to do both?"

Mr. James replies—

"I do not think it would affect that in the slightest degree. I think the mortgagee does not look to the rent he could get by distress, but he looks rather to what he could realize by bringing the property into the market and selling it after foreclosing. It is only after

foreclosing that the mortgagee has the power of getting his principal back by a sale. I do not think the abolition of the right of Distress would affect loans on mortgages at all."

So much for the opinion of a lawyer of great experience. Now what does a practical agriculturist say? At page 58 of the Report of the Select Committee, Mr. Scott, of Timpendean, gives this answer—

"In the case of mortgages, I don't think it would be more difficult for landlords to raise money upon land. It is not usual for landed property to be borrowed upon to its full value; and, in the next place, proprietors scarcely ever have four or five tenants failing at once. There would be as much from the good tenants as would pay the interest."

One witness, and one only, expressed a contrary opinion; but I think it must be felt that, in his anxiety to prove too much, this gentleman deprived his evidence of any weight whatsoever. At page 11 of the Blue Book this question was put to Mr. Burton—

"Of course, if the security were impaired, I suppose lenders would either require a larger margin or a higher rate of interest?"

Mr. Burton scorns this idea of nicely balanced less or more, and replies—

"No; they would not be tempted at all. We should decline to lend."

And he adds—

"No solicitor would lend money with the possibility of getting his clients into jeopardy of being disappointed of their incomes."

I do not think I go too far in saying that no weight can possibly be attached to the views of a man who could commit himself to such a reckless assertion as this. If the power of Distraint were abolished, what security for money lent would be better than a mortgage on real property, with the usual margin and power of sale in default of payment of principal or interest? The rate of interest and the facility of obtaining loans depends, of course, on the state of the Money Market, which is constantly being acted upon by a great variety of causes; but the idea of saying that if this right of Distress—of which only under the rarest circumstances a lender on landed estates ever avails himself, and which we are assured on high authority seldom or never enters into his consideration in arranging a loan—were taken away, no temptation would induce lenders to advance money on mortgage, is a statement so extravagant that it would be mere waste of

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time to dwell upon it. I do not know how much of the money raised on mortgage is spent on the improvement of the land—I imagine not a very large portion of it; but, however this may be, the attempt utterly broke down which was made to show that the abolition of Distraint would injuriously affect the power of raising money on landed security. It is said that if the special security afforded by distress be taken away, the value of land will be diminished, and rents will fall. So far as distress stimulates a fictitious and unhealthy competition, and landowners, relying upon it, are induced to let their farms to reckless bidders without capital or knowledge, rents, thus raised above the proper level, would temporarily fall; but, in the long run, rents artificially stimulated in this way must fall, and they are highly injurious to owners. The amount which a landlord can get must ultimately depend upon the net produce of the soil; it is only by increasing this that the substantial value of his property can be raised. If a needy or ignorant tenant promises an excessive rent, he may pay it for a time; but things will adjust themselves after a bit, and the land, neglected and exhausted, will fall even below its former value. No better illustration can be found than that which is used by Mr. Taylor in his pamphlet. He points out that the true interest of the landholding class, as a class, is something very different from the immediate pecuniary advantages of all the present recipients of rent.

“Were a railway company suddenly and arbitrarily to raise its rates, the income of some shareholders would be greatly augmented, because the alienated traffic could not simultaneously be divided. Yet to the permanent shareholder such a course were ruin, and to the company, as a company, suicide. On the other hand, reduction of rates or judicious outlay may decrease the present dividend, while developing new traffic and assuring a prosperous future.”

Owners, we are told, would decline to let their lands, and would farm them themselves. This is not probable; we see every day farms coming into the owners' hands, and the owners preferring even to let them at lower rents rather than incur the risk and trouble of keeping them themselves. If this were the effect, however, we have the high authority of Adam Smith to show that it would be far from an evil. In *The Wealth of*

Nations he points out how important it is that the landlord should be induced to cultivate a part of his own land. His capital is generally larger than that of the tenant, and with less skill he can frequently raise a greater produce. The landlord can afford to try experiments, and is generally disposed to do so. His unsuccessful experiments occasion only a moderate loss to himself; his successful ones contribute to the improvement and better cultivation of the whole country. The fact is that the landowner's interest is strictly and inseparably connected with the interests of the community. Whatever either promotes or obstructs the one necessarily promotes or obstructs the other. If the maintenance of this law is injurious to the general interests of agriculture, then it is necessarily injurious to the interests of the landowner rightly understood. An artificial exception from the principles of law which attracts into a certain business persons destitute of the qualifications necessary to work that business properly, and which exposes persons possessed of those qualifications to an unfair and injurious rivalry, must lower the character of the business and hinder its development. Neither does it benefit the unhappy persons led into a struggle for which they are unequal. Several witnesses pointed out to the Select Committee the strong objections to a law which gives countenance and currency to the delusion that farming is a business which a man may safely engage in with the very slenderest means, if only he be steady and industrious, and have a good knowledge. Mr. John Wilson said—

“It is very saddening to think of the multitude of such men who, by attempting to farm on such terms, have speedily lost every penny of their hard-earned little stores, and of the still greater numbers who in the same way have consigned themselves to a lifetime of care, and privation, and ill-required toil.”

The Law of Distress holds out a premium to landowners to accept as tenants persons with insufficient capital. I do not say that they generally do so, but so far as the Law of Distress influences their selection this must be its effect. It would be easy to show how injurious this is to the public welfare. The interest of the community is that the greatest possible amount of produce should be raised at the least possible cost. Authorities are united in deploring the evil of

insufficient capital in agriculture. Lord Derby, some years ago, expressed his belief that we might double our production as a nation were sufficient capital employed in cultivation. How foolish and mischievous, then, to maintain a law which practically discourages the application of capital to the land? What we want is thoroughness and quality of cultivation; yet we encourage farmers in that misguided desire, which is so general amongst them, to hold too much land in proportion to their capital. Mr. Wilson says—

“Let any observant person travel over the country, and in all parts of it he will find instances of farms lying alongside of each other, and with equal natural advantages, which, nevertheless, exhibit a very remarkable contrast, as regards their productiveness. When such cases are inquired into, it will usually be found that the difference is due, not to the greater skill and energy of the more successful occupiers but mainly that he is conducting his business with the advantage of sufficient capital, while his neighbour is straightened in that respect.”

The example of foreign countries may be referred to, but I do not think it will carry us any way in defence of this law. In some parts of the Continent the landlord is privileged as against other creditors, in others he is not. In Finland he has a preference only if he is a nobleman. In some countries he is privileged if the payment be in kind, but if it be in money he is only a simple creditor. Distress was adopted by the States of America as a portion of the Common Law of England, but it does not appear to have thriven there. In the answers to questions concerning the law in the United States, which appear in the Supplementary Appendix to the Report of the Select Committee on Hypothec, page 4, Mr. Carlisle, the Legal Adviser to the United Legation, says—

“In a few of the States only is the Common Law remedy of Distress preserved. The general tendency and spirit of the legislation of late years has been, not only to abolish this summary remedy, but to place landlords quite on the same footing with other creditors, leaving the parties to make their own contracts in their own way, touching security for the payment of rent.”

At page 5, Mr. Carlisle adds—

“Generally in all the States, rent is not required to be paid in advance; but many landlords, especially in the case of monthly tenants of the poorer classes—

This, of course, refers to small urban tenements—

“stipulate for payment in advance. Some security for the punctual payment of the rent is found in very summary and cheap remedies, provided by law, for ejecting the tenant for default of payment.”

My Motion applies to Ireland as well as to England. I have hitherto dealt with the question chiefly from the English point of view, and I do not know that there is much in the case of Ireland which calls for special observation. The law is more restricted there in several respects. It is limited to one year's rent. A proposal to take away the right of Distress, as far as the general operation of the law is concerned, was one of the provisions of the Irish Land Bill which Mr. Fortescue, on the part of Lord Russell's Government, laid before the House of Commons in 1866. I have here a letter from a gentleman whose name will be familiar to most Irish Members—Mr. Hussey, the most extensive land-agent in Ireland. Mr. Hussey, who deals as agent with from 5,000 to 6,000 tenants, does not consider Distress needed for the security of rent, and says that on the estates he manages it has not been used for 15 or 20 years. In fact, on well-managed Irish estates it is a power which is never put in force. There is considerable apprehension, however, that in the present depressed state of Irish agriculture, this rusty weapon of rural tyranny may be drawn forth again. So far as I am aware, the better class of resident landowners and agents do not consider the maintenance of the law necessary for their protection. On the other hand, those bodies which represent the opinion of the farmers, have expressed a decided wish for its abolition. The Central Tenant's Defence Association, at a recent meeting in Dublin, unanimously adopted a resolution calling upon the Irish Members to support this Motion. The Kerry Tenants' Defence Association, the Wexford Association, and various other bodies, have given expression to the same feeling. I have now only a few words to say with respect to the proposals of the hon. Member for South Norfolk (Mr. Clare Read). The last of them I have already alluded to, and indicated the way in which I regard it. Had I been introducing a Bill instead of a Resolution, I would have endeavoured to frame a clause relieving the landlord from unnecessary difficulty or delay in re-enter-

ing upon his land in case of non-payment of rent, and I believe this could be effectually done with all due regard to the tenant's interest, and without hardship to anyone concerned. The other parts of the hon. Member's proposal are of a different nature. Regarded as independent propositions, no doubt, the limitation of Distress to one year's rent, and the proviso that the stock of a third party taken to graze should only be liable for the amount of consideration payable for the grazing would, so far as they go, be decided improvements in the law. The effect of the Amendments, however, would be to substitute these modifications of the law for the definite and comprehensive proposal that the law itself should cease to exist. A compromise, I know, possesses great attraction for many minds; but is this a case to which it is satisfactory or desirable to apply such a compromise? I cannot think so. There is a principle involved in the maintenance of this law which it will be far better to face boldly and finally. It is not easy to comprehend the position of the hon. Member for South Norfolk. At a recent meeting of the Central Farmers' Club he expressed strong opinions on this subject. He is reported as having used these words—

"My opinion is that the Law of Distress is wrong in principle. It allows a man to be his own avenger, which is, I consider, contrary to the spirit of our laws altogether. It also allows him to be an avenger of his wrongs in private."

A little further on, he says—

"I contend that this law is worse in principle than the almost doomed Law of Hypothec in Scotland."

The hon. Member's attitude, it is only fair to say, was the same then as it is now, and in that very speech before the Farmers' Club he announced his intention of moving the Amendment which now stands in his name. It is an Amendment objecting to the abolition of a law which he considers wrong in principle, and altogether contrary to the spirit of our laws. Can any good come of maintaining such a law as this? If it be so bad as the hon. Member thinks it, why not sweep it away at once, and have done with it? The hon. Member spoke and voted for the total abolition of Hypothec, and yet he strives to preserve this law, which, by his own contention, is worse in principle. What is the use of this timid and hesitating policy? How

did it avail in the Scotch question? A very few years ago we passed an Act, greatly relaxing the severity of the law in that portion of the Kingdom. Then we had a Select Committee which summed up very ably the arguments against further change. But it was all in vain. Public opinion in Scotland went to the root of the matter. Public opinion had discerned a principle, and was resolved to carry that principle to its only logical conclusion. And this year we have had the second reading of a Bill to abolish the Law of Hypothec, supported by the Lord Advocate on the part of the Government and carried by a large majority. Why, then, this hesitation and delay? What can come of it but waste of public time and disturbance of public opinion? We should not be too eager to make changes in the law; but when the necessity for a change is proved, and the time for it is come, our legislation should proceed on clear and definite principles, and should be, as far as possible, a settlement of the question with which we deal. If you accept my Motion this subject will be forever set at rest; if you adopt a timid and hesitating middle course you will satisfy no one, and settle nothing. I am sorry to have been obliged to trouble the House at such length, but I cannot apologize for having done so. I could not venture, with due respect to the House, to present an incomplete case. I have no sympathy with persons who would propose to change any portion of our ancient laws without fully considering the reasons for, and carefully estimating the consequences of, their proposals. I ask the House to abolish an antiquated privilege which came into existence under social and political conditions totally different from those which now prevail amongst us—a privilege which is out of harmony with the spirit of modern institutions, and hostile to the full and free development of modern enterprise. One feature of the case I have not cared to dwell upon, though it is impossible to ignore it. The Law of Distraint is a class privilege in the strictest sense of the term. It is a privilege which has been created by the power and which is maintained for the benefit of class alone, and enjoyed by it at the expense and injury of every other class. In the long series of enactments which have shaped this law from the

time of Henry VIII. to our own day, the dominant influence of the landowner is reflected. Shall we wait till the demand for the repeal of this law becomes a cry through the length and breadth of the land for the destruction of a class privilege? This should be no Party question. A few months ago, the Essex Chamber of Agriculture, as I am told, a highly Conservative body, adopted a resolution which is embodied in a Petition lately presented to this House, praying that as the Law of Distress is injurious to the best interest of the landlord, unjust to the tenant, and deceptive to the trader, it should be forthwith repealed. Public opinion is awake to its importance. Let us not permit this question to become an instrument of political agitation, or a means of severing those who ought to be united. Let us adapt our measure to the circumstances and wants of the time, and boldly and promptly, but with true prudence, efface from the Statute Book a law which is opposed to modern ideas, and unsuited to the conditions of modern industry. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Mr. B. WILLIAMS, in seconding the Resolution, said, that no one could justify the Law of Distress on any principle of jurisprudence. It enabled the landlord at his own will to enforce the payment of a debt which he thought due to him by the tenant, to be judge in his own case, and also executioner. The Law of Distress originated at a time when the tenant was bound to his lord not only as regarded his goods but his personal liberty, and it would never have continued to this day had not the landlords of this country exercised their rights with singular forbearance. That the law was unequal, and that it sometimes produced real injustice, no one who attended our Law Courts could deny. When the law was enforced the tenant was perfectly helpless. It was true there was the remedy of replevin, but it was a cumbersome, expensive, and dilatory process, and often involved the tenant in long and useless litigation. Whatever claim the tenant might have against the landlord, if any rent was due the landlord had the right to enter and distrain. The law with regard to excessive distress had been laid down entirely in favour of the landlord. Mr. Justice Bailey had said—

Mr. Blennerhassett

"The landlord is not bound to calculate very nicely the value of the property seized, but he must take care that some proportion is kept between the sum he is entitled to levy for and the sum he is entitled to take."

And Baron Parke had ruled still more tersely—

"To determine whether the distress was excessive, you must ascertain what the goods seized would fetch at a broker's sale."

The landlord, acting on that view of the law, could seize large portions of the tenant's property and confiscate them. In Wales the practice of distress was seldom resorted to, landlords preferring arbitration for a settlement of whatever differences they might have with their tenantry. The difficulties of the tenant had been increased by the Judicature Act of 1875, which enabled the landlord to reply to the tenant's action for excessive distress by allegations of breach of covenant or bad farming. Counter-claims of that kind ought to be regarded with jealousy by the Courts as the suggestions of legal ingenuity, but unfortunately they were not. A case came before him last year in the course of his professional practice, in which a distress was levied on a large farmer in the North of England, who had a valuable stock on his farm, and the property was sold in a most wasteful manner and for most inadequate prices. The tenant, acting on advice, brought an action for excessive distress, and the landlord brought a counter-claim for bad farming and breaches of covenant. The case occupied some days, and the Judge was not able to complete it because he had to go elsewhere, and at the last moment the tenant was obliged to accept £400 by way of compensation, each party to pay his own costs. The £400 was not more than enough to pay the lawyer's bill. The result was that the tenant was ruined by the wasteful sale. In cases where land in Ireland had fallen into the hands of speculators, the Law of Distress had been frequently exercised with great severity. Although he fully admitted the evil that would result to the tenant if he were allowed to enter into possession of a farm unless he had sufficient capital to cultivate it, he contended that if landlords would condescend to come down from the high eminence of privilege they occupied, and give up the right of distress, abandoned yearly tenancies, and granted

long leases, the capitalists of the country, being secure of their money, would join in the development of the landed interests of the country. He might say in conclusion that he did not agree in some of the proposals put forward by the hon. Member for Norfolk (Mr. Clare Read) in his Amendment, especially that which exempted from seizure the stock of a third party left on the farm for grazing.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "it is desirable that the power of distraint for the rent of agricultural holdings in England, Wales, and Ireland should be abolished,"—(Mr. Blennerhassett,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. CLARE READ said, that he had lost his voice through attending a temperance meeting. Possibly that circumstance might excite some sympathy on his behalf from hon. Members opposite, although he did not look for much pity from those around him. He desired, however, to utter a few inarticulate sentences in defence of the Amendment on this subject which he had placed upon the Notice Paper, but which he could not move. By that Amendment he had proposed to omit from the Resolution the word "abolished," in order to insert the words "limited to one year's rent," and to add words providing—

"That the stock of a third party taken on a farm to graze should only be liable for the amount of consideration payable for the grazing, and that the landlord's rights to re-entry for the non-payment of rent should be more simple and speedy than at present."

He maintained that if the Law of Distress was to be maintained at all, it must be on the lines thus indicated. He had been charged with inconsistency in putting that Amendment on the Paper, although he had supported the abolition of the Law of Hypothec in Scotland; but what he had said with regard to that was that when the tenants of England demanded the abolition of the Law of Distress with the same unanimity as the people of Scotland had demanded the abolition of the Law of Hypothec, he should be quite ready to vote for it. It

was a curious fact, however, that though for many years the Law of Hypothec had been regarded amongst the tenant-farmers in Scotland as a great grievance, it was not until a recent date that the Law of Distress had at any agricultural meeting been referred to as being in any way detrimental to the tenant-farmers in England. The harsh operation of the present Law of Distress had been brought more forcibly into notice of late in consequence of the bad times the farmers had been passing through. Not long ago, a landlord who had allowed his tenant to get several years into arrear with his rent waited until the sheep of a neighbouring farmer were sent on to the farm to graze, when he at once put in a distress and sold the sheep for £400. It was a remarkable proof of the good sense, the justice, and the moderation of the landlords of England, that they very rarely put that extraordinary law into operation. He might be asked why he did not advocate the total abolition of the Law of Distress. His answer was, that that law was so interwoven with our agricultural system that its total and immediate repeal would give a very great shock to all who were concerned in agriculture, and would be detrimental, especially in times of depression like the present, alike to the landlord and the tenant. If they were to abolish that law at once, they must, according to all precedents, exempt existing tenancies from the operation of the new Act; but, on the other hand, if they simply modified it as he would suggest, it might be applied at once to every holding in England. His suggestion was that the landlord's right of distress should only extend to one year's rent. Why had he done that? Because that limit was the law of the land in the case of bankruptcy; and, further, he did not suppose that a landlord would distrain on a tenant unless the latter were more or less insolvent. The rents in annual tenancies were generally due half-yearly, and payable as a rule in England some three or four months after they became due; and if the landlord wished to be generous to his tenant and allowed more than two half-years' rent to be in abeyance, he might take his share with the other creditors for anything over and above one year's rent. His next suggestion was that the stock of a third party taken on a farm to graze should only be

liable for the amount of consideration payable for the grazing. That was derived from the Hypothec (Scotland) Act of 1867; it had worked remarkably well during the last 12 years, and there was no reason why it should not be equally good for England. In these times of depression the capital of the tenants had been so reduced, that many of them could not stock their land, and the only way in which the landlord could get his rent was by enabling the tenant to take to graze on his farm the stock of other people. Machinery, such as thrashing-machines and steam-ploughs, which was often let out, was liable to be seized if it happened to be on the tenant's land, whereas it really ought to be exempted. On the same principle that lodgers' goods were exempt from seizure by the landlord of a house, so he would exempt all the cattle and agricultural machinery belonging to a third party which might be found upon a farm. Then, with regard to the right of re-entry, if the landlord could not get his rent he ought to have his land, and to have it at once. He believed it often took a landlord months to eject a yearly tenant and obtain possession of his land. It was a roundabout, tedious, and expensive process, and he thought it ought to be both quick and cheap; quick if he was dealing with a fraudulent tenant, and also cheap, or the remedy would be worse than the disease. Moreover, he would not allow any distress to be made except by a bailiff or respectable officer of some Court, and not by a trumpety blackguard acting under the instructions of a pettifogging lawyer. With respect to agricultural leases, if the tenant became insolvent during the time he occupied the farm and was made a bankrupt, if the trustee could not carry on the farm, the landlord could enter immediately on the farm and could also seize all the growing crops. Cases of that kind had recently occurred; and a landlord had bagged not only the whole of his rent, but something like £800 worth of hay and turnips that were on the land. He had mentioned the matter to the Attorney General, who had promised to take it into consideration when the Bankruptcy Bill came under discussion. In conclusion, he hoped the House would favourably consider his suggestions, which he was now precluded from formally moving as Amendments.

Mr. Clare Read

Mr. J. W. BARCLAY said, he felt considerably surprised by the views of the hon. Member for South Norfolk (Mr. Clare Read) as embodied in the Amendments he had placed on the Paper for; although the changes he proposed would favour, to some extent, a tenant's creditors, their effect would be prejudicial to the farmers themselves. To limit distraint to one year's rent would simply be to limit the indulgence which landlords would give their tenants; and it would be a conclusive answer, doubtless, by a land agent to a tenant desiring delay for more than one year's rent, that Parliament, by the change proposed, had precluded the landlord from giving it. To give greater power of re-entry to the landlord would simply be to give him more summary means of ejecting the tenant, which seemed wholly unnecessary, so long as the landlord had the preference to a year's rent, and one year would practically give him a preference to two years' rent. The Amendment might be accepted as evidence of the disinterested character of farmers' politics, for they showed that they were ready to look after the interests of their landlords and creditors before their own. As the hon. Member for South Norfolk had remarked, this question of distress and its effects was new to English farmers; but farmers in Scotland had long ago made up their minds about the Law of Hypothec, which was the corresponding law in Scotland, and the same in principle. He would state, as briefly as possible, the objections to the law, which were much wider and deeper than it at first sight appeared. The land of England was a monopoly, in these respects at least—that the quantity to be leased was in the hands of very few, and that, however great the demand, the quantity could not be increased. The agricultural population naturally increased, and, in these circumstances, competition was maintained at a maximum, and tenants' profits at a minimum. But as if the excessive competition, inevitable in the circumstances, was not enough, it was still further intensified by the Law of Distress, which enabled landlords to accept as tenants, or, at least, as competitors for farms, men who had not sufficient capital for the farm. That was the argument put forward by landlords and land agents in defence of the

law as it stood. It was not because they had any favour for the poor man; but because the man with inadequate capital offered a higher rent, or was willing to submit to more onerous conditions in the lease. These circumstances explained why tenant-farmers frequently submitted to onerous, and, in many cases, monstrously unjust and even absurd, conditions in leases. The vicious principle of the law was that the landlord was protected against the consequence of his own imprudence, and, it might be, greed. Even if the landlord accepted a doubtful tenant because he promised a higher rent, or because he submitted to highly onerous conditions—it might be with regard to ground game—this Law of Distress secured the payment of the rent. It was evident that the Amendment to restrict the distraint to one year's rent would not meet this, the principal ground of the farmers' objection to the law. The injustice of the law to creditors and others dealing with the tenant was very obvious. The landlord who risked only his interest and not his capital was paid in full, when other creditors who risked both capital and interest had to take a dividend, or perhaps even get nothing. The landlord, in his (Mr. J. W. Barclay's) opinion, had grounds for complaint against the law; and if they had not complained already, he expected they would begin to do so by-and-bye. So long as prices of agricultural produce continued to advance, as was the case for a good many years, tenants with inadequate capital might manage to get on; but when bad seasons and lower prices came, landlords would find that the high rents promised by those tenants with inadequate capital were delusive. The tenants might hold on for a year or two, but they did so at the expense of the farm, which would ultimately fall into the landlord's hands in a condition which he would find very prejudicial to its being re-let. Landlords under such experience would begin to have doubts as to the wisdom of their land-agents in increasing the rent-roll by accepting tenants with limited means, who, when reverses came, were unable to hold their position and do justice to the land. Land agents were the only people who got advantage from the law, because it was only by means of this Law of Distress that the control of large estates could be kept in lawyers' offices,

by people who knew little, if anything, of farming. It was thought all right if the rent-roll were increased and the rent collected. The Law of Distress enabled them to do both. As for improved cultivation, they, as a rule, did nothing for that. It was thought that by antiquated and obsolete covenants in leases tenants could be prevented from exhausting the land; but he never saw covenants which would prevent a tenant from exhausting his farm, if he set himself to do so. Such covenants, together with the want of compensation for improvements, were the great obstacles to improved cultivation. They tied up the hands of the intelligent and skilful farmer from making the best of the land for himself and the landlord. The abolition of distress would do much to improve this state of matters; but no modification of it, as suggested by the hon. Member for South Norfolk, would be of any avail. The restriction to one year's rent would simply make the land agent more stringent with the tenant; and he, therefore, strongly supported the Motion for the total abolition of the law, giving the landlord reasonable powers of re-entry when the tenant had become insolvent and unable to discharge his obligations.

Mr. RODWELL contended that it was a popular delusion to suppose that the Law of Distress operated solely to the benefit of the landlord and the detriment of the tenant. He admitted that the law might require modification, but contended that in practice the law had not worked harshly. A recent case in Kent, where a landlord seized sheep worth £300 or £400, belonging to a third person, in distress for rent of several years, was clearly exceptional. The outcry that case had caused showed that the law was not often so employed, and he challenged any hon. Member to give an instance within his own knowledge. At present, the stock of the tenant was a running guarantee for the payment of his rent. His own belief was that the abolition of the present law would act very injuriously on the interests of the tenant, because a landlord would then be far more likely than was at present the case to take the first opportunity to secure his rights and to proceed harshly, when otherwise he would be disposed to the side of leniency. The law as it stood, properly and fairly

worked, was, indeed, more for the benefit of the tenant than of the landlord, although its primary object was the protection of the landlord; and he altogether denied that it was either unjust or unequal; but a limitation from six to two years was desirable. Besides, there was the great advantage to the tenant-class from the operation of the existing law, that young men were often enabled in consequence of it to enter upon a business in which they could exercise their talents and industry; whereas, if it were repealed, the facilities for taking a farm which now existed would be denied them. The relations, he might add, between landlord and tenant were on a totally different footing from a creditor and debtor under ordinary circumstances, for unless the landlord took his rent in advance, the landlord could only get it at certain times, periodically; but a creditor could refuse to supply a man with goods, while the landlord was in a very different position. There was no injustice as regarded third parties, for every person who trusted a farmer knew what the landlord's rights were. Therefore, he contended, exceptional legislation was justified by the inherent difference in their situation. But if the Law of Distraint were to be abolished with regard to agricultural holdings, he was at a loss to see why it should not be done away with in its application to house property in towns, a proposition no one was bold enough to make. Entertaining these views, he should vote against the Amendment of the hon. Member for Kerry.

MR. COGAN said, he hoped this question would be settled as speedily as possible. It would be better for both landlords and tenants that all angry discussions should be evaded, and that the question should be promptly settled on grounds of fairness and justice. It was with this feeling, and believing that it would be both for the interests of the landlords as well as the tenants of the country that an agreement should be arrived at, that he cordially supported the Motion of his hon. Friend. In the exhaustive speech which the House had listened to from him, he had shown from history that the present law was antiquated in its character, and only fitted for times now past, and that its present operation was unjust and by no means impartial. In his (Mr. Cogan's) opinion,

Mr. Rodwell

the power of distraint was hard upon the tenants, and, although not extensively put in force, yet its latent power, which might at any time be used, was hurtful and injurious in many ways. He was surprised to hear the hon. and learned Gentleman who spoke last say that the present law was neither unjust nor harsh. The hon. and learned Gentleman could not have heard an instance of injustice, quoted in the House to-night, or he would not have given that opinion. An instance had been given, in which a landlord allowed his tenant to go five years without payment of rent, and when a third party placed his sheep upon the tenant's farm the landlord seized them and recouped himself the five years' rent. That was a case of injustice and hardship in which an innocent third party had to suffer, by the landlord putting the unjust power of the law of distress into force. When a case like that had been stated publicly and not contradicted, it did seem strange to hear any hon. Member get up and assert that the law was just and impartial in its application. It was with great surprise that he heard the hon. Member for South Norfolk (Mr. Clare Read), who had acknowledged in public speeches that this law was bad in principle, now stating that he could not agree to the abolition of the law. How would the hon. Gentleman justify that course? He hoped that he would at some future time be able to state, with increased vigour and increased courage, his opposition to the present practice, and his actions would come up to his convictions. He believed that this law was unjust, and, therefore, should be abolished; that it was injurious to the tenants; and that it was hurtful and of no use to the landlords. Not many, it was true, had recourse to it, but still it existed and could be used. In Ireland the law, by which an owner could recover either his rent or his land, was simple enough. Upon one year's rent being due a landlord had simply to bring an action of ejectment against the tenant, and he could very soon obtain possession of his land. He contended that that was quite sufficient, and that no more was required to meet the case. He hoped the House would act promptly in the matter, and thus do an act of simple justice in a graceful way, instead of delaying and having to concede it

at some future time to pressure from without.

MR. PELL thought that if the House acted wisely and with moderation, it could not do better than accept the first proposal of his hon. Friend the Member for South Norfolk. If the power were limited to one year's rent, he thought the justice of the case would be met; and if the landlord chose to give another year's credit, he should not be allowed to be generous at the cost of the other creditors. After all, the landlord would have the tenant very much in his power for nearly two years. With reference to the proposal that the landlord's rights of re-entry for the non-payment of rent should be made more speedy of execution than at present, he said there was no doubt very great hardship might be done by the right of speedy re-entry. At present, however, the law was very unsatisfactory. He could not go with his hon. Friend on the point as to the seizure of cattle on grazing land. No doubt, the question was one of considerable importance in the Midland counties, and there was land there where the landlords would have nothing whatever excepting live stock; but a person, before putting cattle on land to graze, might easily ascertain whether there was any back rent on the land. If a man put a large amount of property on the land, he ought to do it at his own risk. He did not know why the right of distress should be confined to agricultural holdings. One year's rent was, he thought, sufficient to distrain for; and, therefore, he was inclined to support the Amendment of his hon. Friend the Member for South Norfolk.

GENERAL SIR GEORGE BALFOUR, in supporting the Motion to abolish the English Law of Distress, referred to the evils to agricultural improvement and extension occasioned by the Law of Hypothec in Scotland, and to the wide gulf which existed there from that law between landlords and tenants; and which law, being injurious to the interests of the country, ought not to be allowed to remain on the Statute Book, merely for the interests of one class of the people. It was obvious that the abundance of cheap grain which we now got from all parts of the world would in future prevent the agriculturists of England, Ireland, and Scotland from obtaining those remunerative prices which they obtained in past years. These

prices were, no doubt, enhanced to the public because the Law of Distress and of Hypothec gave rights and special privileges to landlords, which interfered with the tenant in obtaining cheap capital to work the farms. Unless we could cheapen produce in this country, or find a new article which farmers could produce, and which would pay them better than grain had done for years past, it would be impossible to remove the agricultural distress which was now felt. With this prospect, it would be impossible to pay the rents which landlords had hitherto received from farmers, and the soil would be less cultivated than hitherto. The agriculture of Scotland was undoubtedly highly advanced; mainly, as Mr. Caird has so well and so clearly stated in his recent work, through the intelligence and money of farmers; but another notable thing about Scotch agriculture was the want of capital on the part of tenant-farmers to extend these improvements which the present competition with foreign produce so urgently called for. The right of the landlord to distrain the goods of farmers had been the main cause why the latter had not been able to obtain better money or credit accommodation for their agricultural operations, and had prevented people from coming forward with loans to the farmers to enable them to cultivate the land they occupied, because in a distress for rent the property of him who had assisted the farmer might be seized by the landlord. Owing to these recent pecuniary necessities from bad harvests and low prices, the tenant-farmers of Scotland had, he said, been prevented by this deficiency of capital from increasing their stocks, or keeping cattle till an age when their quality and value would have been greatly enhanced. He pointed out the necessity for freeing the farmers from the shackles which now impeded their action in contending against the world in the production of grain and meat. Our high-priced lands, often inferior to those abroad, could only be kept in cultivation by increasing the productive power of the country. This could only be effected by the application of more capital, thereby encouraging agriculture. He argued that if landlords would give up their preferential claim on their tenants' goods, they would enable the latter to obtain more means whereby to till their farms better, and to pay every-

body, even the landlords' high rents, which certainly could not be paid if the present impediments were to be allowed to exist.

MR. BRUEN thought it unfortunate that the House would not have an opportunity of deciding on the merits of the two propositions before it, one of which recommended the repeal of the Law of Distress, while the other indicated certain changes that might be made with advantage. He joined with those who thought that the law might be improved by placing the power to execute a distraint in the hands of a responsible officer, but denied that the ordinary practice of the law was unjust or oppressive. Only one case was cited in which the law had been used harshly; but there were many other laws in force which, if pressed to their extreme limits, would inflict great hardship. It was a maxim of lawyers that laws were not passed to meet extreme cases; nor, on the other hand, were laws repealed on the assumption that extreme cases of hardship might occur under them. It must be shown that they were of frequent occurrence in order to warrant a repeal of the law. As things were, the law was not generally denounced as unjust and oppressive; and his right hon. Friend the Member for Kildare (Mr. Cogan) might be called as a witness in favour of that view, for the right hon. Member had told the House that, in his experience, the Law of Distress was rarely put in operation in Ireland. For his own part, he saw no injustice in preferential claims such as the law often recognized, if it did not actually create them. But, apart from abstract questions, the real point involved was the actual operation of the law. Was it prejudicial or advantageous to the tenant? He believed that the right of distress was often exercised by the landlord in the interests of the tenant, and with the result of enabling him to keep in his hands the capital by which he worked his farm. At any rate, that was now and then the case in Ireland, where the existing law appeared to him to be, on the whole, beneficial. He could not, therefore, support the Amendment of the hon. Member for Kerry.

MR. SYNAN supported the Amendment, which he regarded as timely. It had been said that the case cited by the hon. Member for Kerry (Mr. Blennerhassett) was an exceptional case, and was

not, therefore, to be relied upon as an argument in favour of the abolition of the Law of Distress; but the fact that this exceptional case was inherent in the law itself was as conclusive as if a hundred cases had been cited, because the landlord, if so inclined, had the power to do that which was admittedly unjust. The strongest argument in favour of the abolition of the law was the fact that it was scarcely ever put in operation. But its retention had been advocated in the interests of the small tenants. It could only be used in their favour by depriving the creditors of their just claims. The landlord had no risk beyond losing the interest on his money, which was the rent paid for his land, and the law as it existed was unjust both in principle and practice, and was opposed to the conscientious convictions of every honest man; while the only ground on which it was at all tolerated was that it was not used. If it had been used, he ventured to say that it would never have been allowed to exist so long as it had. At the present time great distress prevailed in the agricultural districts. That distress might go on for a long time; and if, in consequence of that distress, harsh landlords used the power in an unjust manner, he ventured to say that the abolition of the law would be only a question of time. Well, if it was doing no good, and its abolition was only a question of time, why was not the present opportune time taken and the law at once abolished, for the purpose of promoting the interests of the tenants, and enabling them to get more credit and to produce more from the farms of the country? What was that absurd law founded upon? It was founded upon the old feudal principle. ["No, no!"] There were two laws upon the subject—one was the Law of Hypothec and the other the Law of Distraint. The Law of Hypothec in Scotland was a relic of the Roman Law introduced into that country. The Law of Distress was a feudal law founded upon the feudal system, and the right of the lord to compel his vassal to do his duty. The Law of Distraint was merely the power to seize a man's goods and chattels, and keep them in pledge until he discharged his feudal services to his lord. He asked why the old Law of Distress, which was founded on a different state of the times, and a different state of society, and upon a social system which

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had totally disappeared—why should it be allowed to exist when it was generally admitted that it was not used? The relations between landlord and tenant were now of the nature of a contract; and why should there be super-added to it the old, unused system of the Law of Distraint? It had been adopted, no doubt, by the Statutes, and made more sweeping; but the law was still the same in principle, and under it a man could allow rent to go on for six years, and then come down on the tenant. In such a case, a tenant could not be said to be a free agent with such a terror held over him, and the laws of the country could give him no protection. The law was not used; it was only held over the tenants in terror. Let them abolish it, and they would give greater security to the tenant. It would make him a free man, and put him on a level with the landlord and with men in all other trades. Its abolition would be as beneficial in England as the change of Land Laws had been in Ireland—instead of injuring the landlord, it would serve him, and instead of diminishing the security for his rent, it would increase that security. The first action of the abolition of the law would be to prevent that small competition which had somewhat risen the price of land, and it might, in that way, reduce the rent; but, ultimately, like the change in the Irish Land Laws, it would increase the security of the tenant and strengthen the position of the landlords.

MR. GREGORY thought the hon. Member who had just sat down had shown a most lamentable ignorance of the relations between landlord and tenant in England, as regarded the subject of discussion. The Law of Distraint was one of the most ancient and established laws of the country, and also one which was most generally acknowledged and understood; and when it was proposed to repeal a law which stood in that condition, he thought the onus of showing some ground for that repeal rested on those who proposed it. The only judicial investigation that had taken place on the subject had reference to the Law of Hypothec in Scotland, which was investigated by a Committee of the House of Lords, and the evidence there showed that the holders of large farms wanted the law abolished in order to prevent competition for farms; and that those who dealt with farmers wished the law

abolished in order to save themselves from losses, which they themselves admitted were less than were common in ordinary trade. He did not, however, think the House would be disposed to prevent competition on the part of small with large farmers, or to save traders from trifling losses; in fact, the opposition to the law was a selfish one in the one class, and an unfounded one in the other. He believed that, generally speaking, no landlord thought of the Law of Distress when he let a farm; what he considered was the solvency of the tenant and the adequacy of the rent. The Law of Hypothec in Scotland had been referred to as equivalent to that of distress in England; but there was this advantage in the Law of Hypothec—that, to a certain extent, it was a judicial process requiring that an application should be made to the Court before it was put in force. He did not say that the Law of Distress did not require some modification. He thought six years was too long a period for the power of recovery by distress to extend. One year, however, as proposed by his hon. Friend the Member for South Norfolk (Mr. Clare Read), would be too short; and he thought it should be at least two years. There were some crops, such as hops, or fruit of a precarious character, and for which the tenant needed indulgence; but that indulgence could not be given if the power of distress were limited to one year. His hon. Friend also proposed to exempt the stock of a third party that might be grazing on the property. But a man might never have any stock of his own, and be always grazing his neighbour's. It would, however, only be fair that the landlord should exhaust the property of a tenant before he had recourse to that of third parties. The power of distress should be primarily exercised on the property of the tenant, and recourse should not be had to the property of third parties until that of the tenant was exhausted. He could not agree to give landlords greater powers of ejectment than they possessed at present, and which enabled them to apply to any County Court for assistance; and, besides, it was a hard thing to turn a man suddenly out of his farm. He well remembered a remarkable speech on this subject by his hon. Friend the Member for York (Mr. Leeman), and the illustration which he gave of the benefits conferred by the

present law upon small tenants in his county, and was afraid, if the Law of Distress were abolished, that the small tenants of that as well as other counties would be greatly prejudiced; therefore, he should vote against the Motion.

MR. COLE contended that, as they could not distrain upon a sub-tenant of a house for more than he owed to the original tenant of a house or building in respect to the portion which he (the sub-tenant) occupied, so it ought to be in the case of land, and if a man put sheep or cattle upon his neighbour's farm for a few weeks to be agisted, they ought not to be distrained on for more than the liability incurred on account of their keep.

MR. MARTEN said, that serious inconvenience would result from the adoption of the Resolution, because it would introduce a broad distinction between agricultural holdings and property of other descriptions, which were now equally subject to the same law. Upon the whole, the law of landlord and tenant had worked satisfactorily during a long course of centuries, being modified by legislation to meet the changing requirements of society, based on the necessity of affording due security to the landlord; and the history of the law seemed to furnish arguments for its continuance rather than its abolition. The right of distress, so far as regarded the property of the tenant, was in harmony with the general law of this country respecting liens. It was important to remember how the law varied in the three Kingdoms. It was stated that in Scotland the right of lien could not exist independently of possession; but it was different in England. True, in Common Law, possession must accompany a lien; but there might be an equitable lien unaccompanied by possession, and parties might contract that this equitable lien should exist in respect of goods from time to time on the premises, as well as in respect of goods on the premises at the date of the contract. And if the Law of Distress were abolished in England, there would be a power under the existing law to enter into a contract which would affect the tenant's disposition of property in the future as fully as if the law were preserved. Distraint was not peculiar to agriculture. Almost every well-drawn deed of security in England contained a power of distress as a necessary

incident to a right which was separate for the time being from possession of the property concerned. A banker or capitalist who advanced money in a commercial concern guarded himself in such a way that he could at any moment seize and remove the plant or stock-in-trade, for the time being, of his debtor for the satisfaction of the debt. It was, therefore, erroneous to suppose that the Law of Distress was practically unknown except in agriculture. At the present moment, the law gave under a bill of sale as complete a power as there was under a distress over the tenant's property. There was no doubt that, as far as the property of third persons was concerned, the law was much in want of amendment. The decisions had been somewhat capricious on this point. If a horse were sent to be shod, the landlord could not distrain it if he put in a distress against the blacksmith for rent; but if a horse were put at livery, it could be distrained. So, if a coach were sent to be repaired, it could not be distrained; but if it were put out at livery it could. There were other cases of a similar curious description. The law operated capriciously and unjustly; and he thought they might fairly amend it on the principle of the Lodgers' Goods Protection Act, passed in the year 1871, and the Railway Rolling Stock Protection Act, 1872. But although he was in favour of imposing further limits upon the right of distress upon the property of third parties, he was equally in favour of maintaining the freedom of contract. He could not, therefore, accept the proposal to limit the right of distress as against the goods of a tenant to one year only. He (Mr. Marten) did not see why a right of distress should not exist for six years. If the landlords were forced by the Law of Limitations to demand payment of the rents, and to compel the debtor to pay within a more limited period, a great many debtors who now succeeded during bad times in weathering the storm would be reduced to great straits, and many of them would founder in the course of their difficulties. Indeed, he felt bound to enter a strong protest against the views of the hon. Member for Kerry (Mr. Blennerhassett) on this point. The hon. Member seemed to hold that the right of the landlord to even one year's rent in preference to other creditors was something monstrous, as if no such

Mr. Gregory

personage as a "secured" creditor ever existed. Nothing really could be more unfair than to take away the right of a man to do as he pleased with his own and to mortgage his property and give preferential security at his own discretion, provided he acted *bona fide*. It appeared to him that the Resolution would introduce great confusion into the Law of Distress, and would, in all probability, injure the whole system of agricultural holdings.

MR. O'DONNELL said, he thought he could fairly congratulate the English and Scotch Representatives who had engaged in this debate upon the success which it was already evident had attended their co-operation. It was quite evident that the first object of attack, the Law of Distress, was doomed, and that no long time would elapse before that law would have gone over to its ancestors. It was with the greatest possible pleasure that he listened to the learned and judicious speech of the hon. Member for Kerry in laying the subject before the House, and he trusted it would not be long before the English tenant-farmers had Representatives of their own in the House as capable as the hon. Member of defending their interests with fairness, sympathy, and ability. He did not intend to enter into an examination of the self-contradiction on which the hon. Member for South Norfolk (Mr. Clare Read) appeared to plume himself. That hon. Gentleman admitted that the law was a bad law, worse than the Scotch Law of Hypothec; but he still endeavoured to continue it. He had not heard a single argument, either inside or outside the House, on behalf of the Law of Distress from the point of view of the tenants, except one, which was not calculated to command a great deal of assent. It had been said that a tenant who was heavily in debt to his tradesmen might, by collusion with the agent of an estate, be enabled to cheat those tradesmen; but that, by the operation of the Law of Distress, this might be defeated. But he was sure that the tenant-class, as a body, would much prefer to be allowed to run the risk of meeting their lawful obligations in a lawful way rather than be protected in this unwholesome fashion. As for the argument on behalf of the landlords, it seemed to him simply to amount to this—that those gentlemen being in a position of exceptional advantage, for

that reason asked for exceptional protection. He did not know that that argument had in it a great amount of validity. The whole of the Law of Distress was merely a relic of feudal times, and, except as a tradition of the past, it could not be defended. It was time to remind the landlords of the country that the dangers of feudalism were gone for good and all; the landowners no longer provided for the defence of barony or county; an array of landlords and their tenants no longer defended their shores against foreign invasion; the landlords no longer exercised the functions which they did six centuries ago; and the reason for investing them with exceptional powers had long since departed. They lived in an age of organized policy; they lived in an age of general liability on the part of the taxpayers; they lived in an age of a national Army; they lived in an age of regular public administrations; and all the old feudal necessity having gone, the feudal privileges had no longer any necessity for existence. He believed that the abolition of the Law of Distress would tend to the advantage of the landowners as well as to the advantage of the tenants; that it would improve the credit of the tenantry; and that it would open a way into their ranks to a more substantial class of men. It would render landlords secure of their rents by a better and worthier means than the present; and, except as an indication of the obstinate and inbred weakness of human nature to cling to whatever was as long as possible, he could not see any reason for the retention of this law. He trusted that the abolition of the Law of Distress would be followed by the abolition of many other exceptional privileges which ought to have no place in the present day, which were injurious to the tenants, and which were likewise injurious to the landlords. He hoped that, amongst other improvements, the landlords would no longer be enabled to confiscate the improvements of the tenantry. During the discussion of this subject those who usually sat on the front Opposition Benches had not been conspicuous by their presence; but if the Liberal Party ever expected to reach or maintain power without dealing thoroughly and comprehensively with the Land Question, not only in Ireland but in England and Scotland, they were labouring under a singular misapprehension. That Party must learn to apply

its magnificent ideas of sympathy in regard to nations a little nearer home. With reference to hon. Gentlemen opposite, he had no doubt that strong public opinion in the English counties might have an educating effect upon them. It was a matter of history that the Members of the Conservative Party were susceptible of education; and that Party was so closely connected with county interests, as to make it absolutely indispensable for them to consider this question with seriousness and thoroughness.

SIR WALTER B. BARTELOT was unable to concur in the statement made by the hon. Gentleman who seconded the Motion to the effect that, but for the Law of Distraint, the produce of the country might have been increased threefold. He had always been under the impression that, until quite lately, we could grow more per acre than any other country in the world. No doubt, improvements might be introduced; but he denied that we could, under any system, grow three times more than we did at present. He felt grateful to his hon. Friend the Member for South Norfolk (Mr. Clare Read) for having stated publicly that the landlords of this country had not abused the privilege of distress. His hon. Friend mentioned, indeed, the notable Kent case; but could any hon. Member refer to similar cases which had occurred within his own knowledge? During his own long experience of farming he had never known in his own county or neighbourhood a case in which the terrible provisions said to exist in the Law of Distress had been exercised against a tenant. If the existing law were abolished, a severe shock would be given to the whole agricultural interest. That law was as advantageous to the tenant, if not more so, than it was to the landlord; and it was on this ground that he objected to the Motion of the hon. Member for Kerry (Mr. Blennerhassett). He would not say that the Law of Distress ought not to be amended; but he thought that the House ought not to accept a crude, abstract Resolution for abolishing that law, nor should it absolutely adopt the principles which had been laid down by the hon. Member for South Norfolk. It would, in his opinion, be unwise for them to follow such a course, by which they could not do justice either to the tenant or the landlord. The Government alone could deal satisfactorily with a question of

that kind; and he therefore hoped they would be prepared to state that, looking to the extreme depression which agriculture was labouring under, and yet without doing anything in a hurry or under the influence of panic, they would consider the Law of Distress, and if they saw their way to improve it would bring in some measure which would, he was sure, be accepted by the House, and would also give to the great agricultural interest the satisfaction which it was entitled to demand.

SIR THOMAS ACLAND thought it was a fortunate circumstance that they had had in that debate a singular union between the Members for the sister country and those who were interested in agriculture in England. The course of the discussion had shown that the present law for securing to the landlord his rent was in a very unsatisfactory state. He believed that the sudden or hasty dealing with that question would not be entirely for the benefit of that class of agriculturists who were supposed to be most deeply interested in getting rid of the Law of Distress. He agreed with the last speaker that the time was drawing near when that question ought to be dealt with by the responsible Government, and that it could not be wisely treated by the simple affirmation of an abstract Resolution. The Motion now before them was not the Resolution of the hon. Member for Kerry (Mr. Blennerhassett), but whether the Speaker should leave the Chair, or whether they should go into the consideration of the hon. Member for Kerry's Resolution with a view to see whether they should amend it as the hon. Member for South Norfolk (Mr. Clare Read) proposed. For himself, he did not feel bound to give a directly affirmative or negative vote on the proposal of the hon. Member for Kerry; but he thought that the debate had seriously shaken the whole position of the claim of the landlord, on his own mere motion and without the support of any judicial process, to go upon the farm and take the property of the tenant in satisfaction of his rent. There were a great number of farmers in England who had risen from very humble means, and who had not the large capital which they were told would be brought to the cultivation of the land if the present law were altered. The position of those men required to be most considerably regarded. In his part of the country

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there were tenants who commenced by getting into debt to their landlord for a half-year's rent, and that continued during the whole of their tenancy. What would be the effect of the proposed alteration of the law in such cases? He was told by one gentleman that his county would rise in arms at once in a state of indignation if the Law of Distress were suddenly abolished, because there would be an immediate demand of a half-year's rent all round. Landlords had long been aware that agriculture required time. The legislation of the present Government had laid down broadly the principle that agriculture required that the farmer should be able to look forward to leases of two, three, and in many cases seven, or, in some instances, even 20 years. It was the policy of Parliament—whatever course might be taken by landlords and tenants in making contracts to the contrary—to encourage compensation to farmers, if they had only two or three years' undisturbed possession of their holdings. It was desirable to keep up a feeling in the mind of the practical agriculturist that he should not be disturbed if he was a man of capital. A great deal of nonsense had been talked about increasing the produce of the soil of this country. He believed that no saying had done more mischief than the ill-advised saying of Lord Derby that it would be easy to double the produce of England. There was, in his opinion, a very moderate limit beyond which they could not on an average of years increase the gross produce of the English soil. He wished that Lord Derby, who was regarded as a model of caution and common sense, would let the world really know what he now thought on that matter. When that noble Earl made the remark to which he was now referring he was probably thinking of growing potatoes in Lancashire, or lettuces and cabbages near the great towns of the North, and not to the general agriculture of the country. What Parliament could do was to legislate in such a manner that those who were already producing all they could would continue to do so. Admitting that it was desirable that men of capital should be secured in their holdings, what was the landlord to do when his tenant turned out to be a man of straw? What the landlords of England wanted was not the power of squeezing the last farthing from the

tenant, but that they, if the tenant could not pay his rent, should have facilities for recovering their land, so that they might be able to let it to a man of capital. He did not know that the Law of Distress operated injuriously to the farmers if they were solvent and wanted to borrow money. He was told it was no uncommon thing for the farmer to take his rent-book to the banker to show that he had discharged all his obligations to his landlord. In many quarters there was a hesitation in trusting farmers who did not stand clear with their landlords. Speaking for himself, and for some few with whom he had conversed, he believed the landlords would do wisely to move forward in this matter, and not to cling any longer to this right of priority of payment for their land, but to ask for measures that would enable them to recover their lands from insolvent tenants, and put them into the hands of men of capital. He did not believe that the landlords would be affected injuriously by relaxation in this matter; on the contrary, he thought they would gain. It was not desirable to retain the law in its present state; but the question was one which ought to be dealt with by the Government of the country, whose duty it would be to provide in any alteration that might be made the necessary safeguards for the protection of the landlords' rights. But if the Resolution of the hon. Member for Kerry were to become a substantive Motion, he would like to introduce words into it with a view to make the change gradual—that the law should apply to future, but not to existing, tenancies. He thought, however, it would be inexpedient to act hastily in the matter.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, that whatever difference of opinion there might be as to the Resolution of the hon. Member for Kerry, there could be none as to its meaning, which was that, without further consideration, the Law of Distress should be abolished. One thing was very clear—that though there might be many theoretical objections to the law, as a matter of fact, its administration at the present day was not attended with practical grievance, and no case of actual hardship had been cited in the course of the debate. That was a very important consideration to remember, when they were asked to sanction such a proposal as that of the hon. Member for Kerry.

Although the hon. Member for Kerry gave an interesting historical narrative of the gradual growth of the law, yet, when he came to deal with the actual facts, he asked the House to deal with it as a new law without antecedents. The House was really discussing one of the oldest institutions in the country—an institution which, as had been well stated by the hon. Member for South Norfolk, and the hon. Gentleman who spoke after him, was more intimately connected with the relations of landlord and tenant than any other institution which could be named. Hon. Gentlemen had showed that this law, notwithstanding theoretical objections, worked to a large extent in the interest of the tenant; and if it were now, without consideration, abolished, many classes of tenants might be affected injuriously. For it was obvious that if this law were taken away, the landlord must be given another remedy which would be simpler and shorter. There was said to be an analogy between this law and the Law of Hypothec. Well, then, if it were abolished, there should be an analogy also in the remedy. A shorter and simpler action of ejectment should be given to the landlord. What would be the effect of the abolition of this ancient usage on poor tenants without capital and without friends? The landlord, in the interest of his family, might be compelled to say to them—"A theoretical Gentleman having made a speech in the House of Commons for the abolition of the Law of Distress, I can deal now only with tenants having large capital, which will enable me to dispense with the Law of Distress." Therefore, in the interests of the tenants themselves, it was not expedient to summarily get rid of this old and not harshly-working institution. He could understand the motive for the Resolution, if it could be shown that this power of the landlord had been abused, or if it were a new law, susceptible of abuse in its use; but as one of the institutions of the country, as long almost as the country had a history, he could not admit there had been any case made out for its immediate and total abolition. He was informed that this law was not used to any large extent in England, and in Ireland they all knew it was very sparingly employed. It was not a popular remedy, and its practical operation was to enable the landlord, in many cases, to deal with a class of tenants

which he would not otherwise feel at liberty to choose. It should be remembered that if landlords violated the law they were subject to an action, and if they made a legal distress, but an excessive one, they were equally subject to an action. In the words of one of the oldest Statutes of the country, a landlord who so distrained was "to be grievously amerced," and that before a British jury. In cases, therefore, of real practical grievance, the wronged tenant could obtain redress, the remedies to which he might resort being distinctly and clearly laid down. It was a slight mistake to assume that the Law of Distress and the Law of Hypothec were identical. There were, in truth, several marked distinctions between them. It was not proposed to bring the provisions of the Bill relating to hypothec, which had been presented to the House, into operation until the year 1880; but the Resolution of his hon. Friend the Member for Kerry asked the House to abolish the Law of Distress at once. He was sorry the Lord Advocate was not present; but he (the Attorney General for Ireland) understood that the Bill to abolish hypothec had in it a limitation as to the size of the holdings, but the present proposition was applicable to every agricultural holding in the Empire.

MR. RAMSAY said, the right hon. and learned Gentleman was mistaken. There was no limitation in the Bill applicable to tenant farmers.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, that unquestionably the Scotch Bill, as it stood, only applied to holdings of a certain size; but he had the greatest hesitation in attempting to give a meaning to the clearest words in a Scotch Bill. At any rate, the landlord in Scotland got a lien over the property of the tenant before the rent was actually due. [Mr. RAMSAY: That is not the case.] Then he would withdraw the expression. He assumed that to be the case from the recent speech of the Lord Advocate; but he confessed he knew but little about it, and he had not an interpreter beside him, and might be wrong. The Amendment which had been placed upon the Paper dealt with the question in a very different manner from that in which the Resolution dealt with it. The hon. Member for Kerry (Mr. Blennerhassett) seemed to have approached the question from a

theoretical point of view. He seemed to have studied the subject with the help of several philosophical works, whereas the hon. Member who had placed the Amendment upon the Paper approached the whole matter from a purely practical point of view. The hon. Member for South Norfolk (Mr. Clare Read) had adduced some very powerful reasons, which would probably convince a large proportion of the Members of the House that the term of six years in connection with the exercise of the right of distress might be shortened with advantage. Doubtless, whenever the law should come to be considered in a practical way, that suggestion would receive very considerable attention. The principle that the goods of innocent third parties should be protected where rent for which they were not personally liable was claimed was one which would always meet with very great sympathy from Members of the House. That principle, however, should not be accepted hurriedly; for, if adopted, the immunity which would be conceded to third parties might enable a fraudulent tenant to oust the rights of a landlord by means of a colourable false ownership. The proposition, therefore, was one which must be approached with a considerable amount of caution. He was very much struck with the fact that the Motion for the abolition of the Law of Distress had been introduced by an Irish Member; for though Ireland had been more affected by Land Bills during the last seven years than any other part of the country, no assault had, up to the present time, been made upon the Law of Distress in that part of the British Isles. The Bill put forward by his lamented Friend (Mr. Butt) did not interfere in any way with that law. There was also a Land Bill before the House, stating what changes were considered necessary in the Land Law in Ireland; but no reference was made in it to the Law of Distress. There was not the slightest proof that the Law of Distress was regarded as a grievance in Ireland, or in any other part of the United Kingdom; and, under these circumstances, he ventured to think that the Resolution proposed by the hon. Member for Kerry ought not to be entertained.

MR. COURTNEY demurred to the representations which the right hon. and learned Gentleman had given of the issue before the House. Hon. Members were

not asked to declare that the Law of Distress should be abolished immediately and unreservedly. No doubt, the Resolution was couched in general terms; but if his hon. Friend had to frame a Bill he would, as they could gather from his speech, embody in it a good deal of what the right hon. and learned Gentleman had just alluded to as essential. Practically, there were two propositions before the House—that of the hon. Member for Kerry and that of the hon. Member for South Norfolk. The technical question, however, was that the Speaker leave the Chair, and if hon. Members desired to express an opinion as between the two propositions named—and it seemed to him they were bound to do so—they must, in the first instance, negative the Motion that the Speaker leave the Chair, in order that the proposition of the hon. Member for Kerry might become the substantive Motion. They could then amend the proposition, and, practically, adopt that of the hon. Member for South Norfolk instead of it. All, therefore, who were favourable to either proposition should vote against the Motion that the Speaker leave the Chair. [SIR WALTER B. BARTHELOT: No, No!] The hon. and gallant Member for West Sussex said “No!” and he had great experience; but he (Mr. Courtney) referred to what had recently happened when the hon. Member for Blackburn (Mr. Briggs) called attention to the Indian cotton duties. Those who were in favour of the Motion of that hon. Member, and those who were in favour of the Amendment to it suggested by the hon. Member for South-East Lancashire (Mr. Hardcastle), joined in voting against the Motion that Mr. Speaker do leave the Chair. He was himself in favour of the abolition of the Law of Distress altogether. With regard to the limit of time to be placed on the power of distraint, it seemed to him that some hon. Members had failed to see what was the fact—that a Law of Distress for one year practically gave security for two years. If it was not exercised at the end of the first year, it remained, so to speak, hanging over the head of the tenant until the second year had all but expired. It had been argued that this was a very ancient law which ought not to be abolished unless it was shown to be productive of serious evils. It was said that the *onus probandi* lay with those who desired the

abolition of the law. He thought, however, it must be admitted at once that this law had in itself something exceptional. His hon. and learned Friend the Member for Cambridge (Mr. Marten) had stated that if this exceptional law were abolished, the power could be got back again by means of registered bills of sale. In reference to this point, he had, some years ago, put a question to Judge Longfield, who replied—

“First, there is a great deal of difference between a power given by contract and a power given by law; and, secondly, if you had unlimited multiplication of bills of sale the evil would become so intolerable that the Legislature would interfere and stop it.”

Why must a landlord have more security than any other creditor? To this question no real answer had been given in the course of the present discussion. Many hon. Members had, indeed, expressed their opinion that a landlord ought to have more security than other creditors; but they had failed to explain the reason why. There was a great want of reciprocity in this matter of security. It appeared to be felt necessary that landlords should have security against their tenants; but why was it not equally necessary that tenants should have security against their landlords? The tenant risked more capital upon a farm than the landlord did. The landlord risked his rent; but the tenant put upon the farm considerably more capital than was represented by the rent. It was said that the existing law was a great boon to an indigent farmer, who could be trusted further than he would otherwise be in consequence of the greater security that was given to the landlord. If the tenant were living just on the verge of solvency, that proposition meant that the landlord was willing to be kind to his tenant provided he ran no risk. He did not see that that was any great advantage to the tenant; and it certainly was a disadvantage to everybody trading with him. The hon. Member for East Sussex (Mr. Gregory) said that rents were not higher through the Law of Distress; but the hon. Member went on to say that a landowner kept men as tenants who, but for that law, would not be kept. By that means the number of competitors for farms was increased, and when the demand for farms was greater than the supply the prices must go up. It was important that men should have sufficient capital

to cultivate the farms they occupied. By the application of more capital to the cultivation of the land its produce could, in the opinion of men like Mr. James Caird, be increased 25 per cent, and an hon. Member had said he had found by his own experience that that could be done. This showed that though the immediate effect of an abolition of distress would be a fall of rents, they would rise again in the future without any abatement of the farmers' profit. In the interests alike of the country, of the farmers, and of the landlords, the Law of Distress was condemned, and, in his opinion, it might be advantageously abolished.

MR. STAVELEY HILL observed, that not one word had been said as to this Law of Distress acting in any way prejudicially with reference to the tenant. He believed it would be for the interest of the tenant that the present Law of Distress should be continued. The landlord and the tenant entered into a contract on an equal footing. The creditors of the tenant were aware of the nature of that contract; and, in his opinion, that fact placed the tenant in a better position than he would otherwise occupy to obtain such credit as he might require.

MR. RAMSAY, in supporting the Motion, said, he was curious to know how hon. Gentlemen who had voted for the total and immediate repeal of the Law of Hypothec in Scotland had come to a very different conclusion with regard to the Law of Distraint in England. The Attorney General for Ireland had sought to draw some distinctions between the Law of Distress in England and the Law of Hypothec in Scotland; but the only distinction between the law of the two countries was that the Law of Hypothec in Scotland was, in its present form, less severe than the Law of Distraint in England. Yet Her Majesty's Ministers were giving their unconditional support to the abolition of the Law of Hypothec, on the ground that it was not necessary for the protection of the interests of the landlord, and that it would be beneficial to the tenant-farmers of Scotland. It would be well for the tenant-farmers of England to note that the Members of the Government could vote for a law which did not affect themselves, but took a very different view of the matter in relation to the landlords of Scotland. He could

conceive of nothing more inconsistent on the part of Ministers.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is not my intention to prolong the interesting discussion we have had upon the general question of the Law of Distress; but I wish, before we go to a Division, to say one or two words upon the view which Her Majesty's Government take of the question before us. And I find it the more necessary to do that because, in one or two of the later speeches which have been delivered, there has been a tendency to suggest false analogies. I entirely dissent from what has been said as to the analogy between this case and the vote which was given some time ago upon the Bill relating to the Law of Hypothec in Scotland. I have frequently heard the question of the Law of Hypothec in Scotland discussed in this House; but I do not think that I have heard the Law of Distress called in question in the same way, and certainly not under the circumstances, in which the Law of Hypothec has been discussed in the form of Bills which have been presented, and with the discussion which has taken place in Scotland upon the subject. But I have observed that if any suggestion emanated from any English gentleman when the question of Hypothec was under discussion that an alteration of the Law of Hypothec would involve an alteration of the Law of Distress in England, we have been met with lectures and a torrent of eloquence to prove that we know nothing of that law at all if we supposed that there was any analogy whatever between it and the Law of Distress in England. But what I would say with regard to the Law of Hypothec is, that it is a matter which has been much discussed in Scotland by all classes. It was made the subject of various Bills introduced by hon. Members sitting in different parts of the House, and representing different interests; and ultimately a Bill was passed on the subject, not entirely by Her Majesty's Government, as some have assumed, because some Members of Her Majesty's Government abstained from voting on the Bill, and others voted against it. But, at all events, the Bill was passed after full discussion, and with reference to the circumstances and wishes of the people of Scotland. Now, however, we are not asked to consider a Bill at all, but a broad and startling

proposition made in a very able speech of considerable learning, which does great credit to the industry of the hon. Member who brought forward the subject (Mr. Blennerhassett). But, after all, it has been introduced by a Gentleman who represents an Irish constituency, and who speaks much more from an Irish than an English point of view. He makes this broad proposition, and asks us at once to affirm that the Law of Distress ought to be abolished. He is met by a counter-proposition from my hon. Friend the Member for South Norfolk (Mr. Clare Read), who speaks upon a question of this sort with the very highest authority. And what does my hon. Friend say in these very pithy and pertinent remarks with which he favoured us in the beginning of the evening? He said—"He approached this subject as one which required consideration, and one which was very intimately connected with the welfare of agriculture. It was one of high importance, and he thought the time had come when they ought to have legislation and amendment." But he went on to say—"He could not recommend the sweeping measure proposed by the hon. Member for Kerry (Mr. Blennerhassett). He must bear in mind that this system of distress was one closely interwoven with the agricultural system of the country, and they should consider carefully the mode in which they were to deal with it." I entirely agree, and the Government entirely agree, with the view taken by my hon. Friend. We regard this as a subject that requires consideration; we consider that there are points of the Law of Distress which demand revision. But we say that the question is one upon which we cannot at the first blush proceed to legislate, because it touches so many interests and demands very careful deliberation. We have no difficulty in saying that we do recognize in the views put forward by the hon. Member matter which requires and should have early consideration. I do not enter into the question as to whether distress is to be limited to one year, to a year and a-half, or to two years, or any particular time, or whether it should be somewhat restrained, and should be qualified with reference to the distress upon the goods of third persons. The hon. Member for Liskeard (Mr. Courtney) said—"You are bound to do what I ask you to do." He challenged the

Government to say whether or not they approved of the proposition of the hon. Member for South Norfolk (Mr. Clare Read), because, if they did, they were bound to negative the Motion that the Speaker do leave the Chair; and he urged that we were bound to proceed at once to consider this question and pass some Resolution upon the subject—if not the Resolution of the hon. Member for Kerry (Mr. Blennerhassett), then that of the hon. Member for South Norfolk—and he called upon us to do that because he said he relies upon the analogy of the vote arrived at the other day on the subject of the Indian cotton duties. But that, again, is a false analogy. The House was then expressing an opinion on an act of the Government of India, and saying whether it was satisfied with regard to that act; various opinions were put before us, and votes were taken, and the matter ended in the House expressing an opinion with regard to the act in question—[Mr. COURTNEY: And the future policy.]—and the future policy in a very general form. Here, however, we are called upon to adopt a Resolution pledging ourselves to legislation before we have properly considered the principles on which it should be founded. Now, nothing can be more mischievous, or lead to greater inconvenience in Parliamentary action, than the adoption of abstract principles before it has been well considered what our legislation ought to be. The discussion of a subject in the form in which it is presented on Friday evening is one of the greatest possible utility. Nothing can be better than the opportunity which is then given us of freely discussing and considering questions of this sort, which to many of us appear in different aspects, and present new features. But if we were bound, whenever an abstract question is presented to us, to follow it up by legislation, I say we should in many cases act foolishly, and we are not prepared to do that on the present occasion. Sir, the Government will vote for your leaving the Chair not as giving an opinion contrary to those expressed by the hon. Member for South Norfolk, which we receive with great respect, and intend fully and candidly to consider. I have to thank the hon. Baronet the Member for North Devon (Sir Thomas Acland) for the very useful observations which he made in the

course of his speech, and to express a hope that we may be allowed to take the only proper step under the circumstances, and to vote that you, Sir, do now leave the Chair.

Question put.

The House *divided*:—Ayes 202; Noes 92: Majority 110.—(Div. List, No. 84.)

Main Question proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, *withdrawn*.

Committee *deferred till Monday next*.

SUMMARY JURISDICTION (*re-committed*) BILL.—[BILL 138.]

(*Mr Secretary Cross, Mr. Attorney General, Mr. Solicitor General, Sir Matthew Ridley.*)

COMMITTEE. [*Progress 8th May.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.

Court of Summary Jurisdiction.

Clause 4 (Mitigation of punishment by court) *agreed to*.

Clause 5 (Scale of imprisonment for non-payment of money).

SIR WALTER B. BARTELOT thought that an alteration was necessary with reference to the terms of imprisonment provided for by the clause in connection with money payments; the two last terms of two and three months were, in his opinion, insufficient for the sums mentioned in the clause, and he considered that a considerably longer term should be inserted if the amount exceeded £20. They had hitherto dealt with smaller sums; but in the case of large ones, he thought more power should be given to the magistrates.

MR. ASSHETON CROSS said, the object of the clause was to show the maximum term of imprisonment to be administered in each case. But the words, "such period as in the opinion of the Court will satisfy the justice of the case," were intended to show that the Justices themselves exercised a discretionary power. If the hon. and gallant Baronet (Sir Walter B. Barttelot) would look at the Small Penalties Act, he would see that the last scale was "not exceeding £20 or three months." Of course, there might be a difference of opinion as to what the scale ought to be, and the

The Chancellor of the Exchequer

Bill in no way took away the discretion of the magistrates; on the contrary, its object was to leave their hands much more unfettered than they were at present, in the belief that their powers would be wisely exercised.

Clause agreed to.

Clause 6 (Sum recoverable by summary order to be recoverable as a civil debt) *agreed to.*

Clause 7 (Payment by instalments of or security taken for payment of money).

SIR HENRY JAMES moved to insert, after Sub-section 3, the words—

“Impose such imprisonment if default be made in payment of the sum or instalment at the time fixed, as the person liable to pay the same may be liable to if default be made in payment of a fine of a like amount imposed under this Act or otherwise.”

He was informed that the practice had been in the case of time being given to issue a fresh summons calling upon the person to pay, a proceeding that was quite unnecessary, and which, moreover, caused expense. He had also been informed that power of imprisonment existed in the Act, although he had not been able to find it.

MR. ASSHETON CROSS said, the hon. and learned Gentleman had exactly stated what had passed between them. He (Mr. Assheton Cross) had shown the Amendment to the draftsman of the Bill, and was assured that ample care had been taken that the magistrate should have the power which his hon. and learned Friend desired for him. Before Report, he trusted to be able to satisfy him that such was the case.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 8 (Including of costs in small fines).

SIR WALTER B. BARTELOT inquired why the fine of 5s. under this clause did not carry costs?

MR. ASSHETON CROSS said, that every magistrate to whom he was speaking must have felt the desire to impose a small penalty, while, at the same time, he knew that even if he imposed a penalty of 1s. or 2s. the costs might amount to perhaps 10s., and that, therefore, he was really inflicting a greater fine than was necessary. The fine of 5s., without costs, was intended to apply to

all trivial cases of the kind referred to; the magistrate, however, if he really wanted to inflict costs could, of course, do so. He wished it to be distinctly understood that it was not obligatory upon the magistrates that the fine should be imposed without costs. In that way, he trusted it would be seen that the discretion of the magistrates had been absolutely preserved.

Clause agreed to.

Clause 9 (Enforcing of recognizances by court of summary jurisdiction).

SIR HENRY JAMES moved, in page 4, line 14, after the word “retainer,” to insert “or not to do or commit some act or thing.”

Amendment agreed to.

MR. ASSHETON CROSS said, he had a verbal Amendment to make at the end of Clause 9. It was entirely a draftsman's Amendment, and was as follows:—In Clause 9, line 25, to leave out the words “in like manner as sums are paid,” in order to insert “by such person by whom such sums are payable.”

Amendment agreed to.

Clause, as amended, agreed to.

Clause 10 (Summary trial of children, unless objected to by parent or guardian).

MR. P. A. TAYLOR moved, in page 5, to leave out Sub-section D, as follows:—

“When the child is a male, the court may, either in addition to or instead of any other punishment, adjudge the child to be, as soon as practicable, privately whipped, with not more than six strokes of a birch rod, by a constable, in the presence of an inspector or other officer of police; and also in the presence, if he desires to be present, of the parent or guardian of the child.”

He hoped the House would hesitate before it endorsed this punishment of flogging for a child—he had almost said a baby—for it was to apply to children of seven. In these days of general scepticism it appeared that they believed in nothing so strongly as in flogging—they flogged in their Army and Navy, they flogged their criminals, and now they were going to establish or to legalize flogging for infants. The only argument that he had ever heard offered in favour of this was that it was better to flog children than to imprison them. That was very much like recommending a small dose

of arsenic as being less poisonous than prussic acid. He could scarcely bring himself to believe that England, with all its wealth, with all its learning, and with all its means of enlightenment, was really obliged to have recourse to the barbarous practice of flogging children, simply because it did not know what better to do with them. This Bill would do far greater evil in England than the mere flogging by officials that would take place in prison. No doubt, magistrates would very often have their hearts softened by the piteous little wretches with whom they had to deal, and would hesitate to sentence them to these punishments. But the effect that this Act would have throughout England would be very different. People throughout the country, finding flogging inflicted by the State, would go home and inflict additional chastisement on their unfortunate children. Only recently a Question was asked in that House about a child of nine years of age who had been beaten, and then had salt rubbed into its wounds. The story was not true, perhaps. The right hon. Gentleman said it was not true, or that it had been greatly exaggerated, and that the magistrates had said more beating had not been given than a child of nine deserved! Than a child of nine deserved! If a clause like this became law, brutish, ignorant persons would take the infliction of flogging by it as an example to be followed. He believed that House prided itself upon being a Christian Assembly; but he must say that clause, if it should pass, would, so far from carrying out the words of One revered by millions of people, only in effect say—"Suffer little children to come unto us, that we may flog them."

Amendment proposed,

In page 5, line 10, to leave out from the word "shillings," to the word "child," in line 17, inclusive.—(*Mr. P. A. Taylor.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. HOPWOOD thought it right that he should make the observations he intended at that time, in order to enable the right hon. Gentleman the Home Secretary to follow him. He most cordially supported the Amendment. He

Mr. P. A. Taylor

had had the honour to serve on the Select Committee on this Bill, and this was one thing, and, he might say, the only thing, in which he stood alone on that Committee; and it was the only thing in which one Member had failed to make an impression upon the others, or to induce them in many material respect to alter their views. His dislike to flogging remained deeply-rooted, and he intended to give his utmost opposition to it. His reasons for supporting that Amendment were these. If they were to have flogging, how were they to proportion it? One child under 12 might be exceedingly hardy, and would not mind it; another might be very delicate, and it would be a most cruel punishment. There would also be this difficulty—that the flogging would be done by the hands of a constable, and they had already had various public scandals with regard to flogging by the hands of a constable. He did think that if all they could do to a little child was first to ascertain if it were fit to bear it, and then to submit it to the punishment of six strokes with a birch rod, it would be better to have no punishment at all. Hon. Members on the other side did not appear to sympathize with this view. They were very superior to those on that side, and looked down upon them from a lofty eminence as on foolish persons opposing a humane substitute for the prison. Some people seemed to think that six strokes with a birch rod were a better alternative than imprisonment. He did not think so, nor did he admit that imprisonment was the alternative. Would it not be much better to send a child home to its parent or guardian, and trust to the correction it would receive from them, rather than to sentence it to six strokes with the birch rod from the hands of a constable? It seemed to him to be much better to secure the correction of the child by the alternative of a fine, which would fall upon the parent or guardian, and make him more attentive to the child in the future, or, at all events, preserve it from indulging in those acts which would bring it within the Criminal Law.

MR. ASSHETON CROSS hoped the Committee would leave the clause as it stood in the Bill. In the first place, many parents took no heed of their children, and allowed them to run wild about the streets; and a good many

parents, if they were fined for the acts of their children, would inflict a much more severe penalty upon them than was provided by this clause. Looking at the whole scope of this clause from the beginning to the end, its object was to keep a child from becoming a criminal, and he did hope that the Committee would pass the clause. If the hon. Member for Leicester (Mr. P. A. Taylor) would look at the Bill again, he would find that no child could come under the exceedingly mild correction sanctioned by the clause unless he was seven years of age. He must also add that they had a very large Committee when the clause was under discussion, and that they all agreed to it except the hon. and learned Member for Stockport (Mr. Hopwood).

MR. JACOB BRIGHT thought that if the treatment proposed was desirable for some children it ought to be applied to all. He did not see why female children should be exempted, for what was good for a male child must also be good for a female.

COLONEL MAKINS observed, that that was the first time he had heard a champion of women's rights get up and claim for them a right to be flogged.

MR. HOPWOOD thought the Committee had just been favoured with an exhibition which he felt inclined to comment on, but on reflection he would let it pass.

Question put.

The Committee *divided*:—Ayes 98; Noes 22: Majority 76. — (Div. List, No. 85.)

Clause *agreed to*.

Clause 11 (Summary trial with consent of young persons, juvenile offenders).

MR. GREGORY moved, in page 6, line 4, after "do" to insert—

"Having regard to the character and antecedents of the person charged, the nature of the case, and all the circumstances of the case."

Amendment *agreed to*.

MR. P. A. TAYLOR said, that an Amendment to this clause also stood in his name. This clause was another variety of the preceding, with the substitution of 12 strokes with the birch for six. With the wish to relieve Great Britain from the degradation of being

the only civilized country in Europe which inflicted such punishments as these, he begged to propose as an Amendment in page 6, line 10, after the word "months" to leave out everything to the end of line 17.

Amendment proposed, in page 6, line 10, to leave out from the word "months," to the word "police," in line 17, inclusive.—(Mr. P. A. Taylor.)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. ASSHETON CROSS trusted the Committee would keep the words.

SIR HENRY JAMES said, the clause provided for the punishment of children who, in the opinion of the Court, were not 14. Surely there ought to be some better mode of ascertaining the age than by merely looking.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) observed, that these words were quite familiar. They enabled the Court to ascertain the age of the child by any means it pleased.

Question put.

The Committee *divided*:—Ayes 100; Noes 19: Majority 81. — (Div. List, No. 86.)

SIR HENRY JAMES suggested that further words should be inserted at the end of the 1st sub-section of the clause similar to the provision at the end of Sub-section D, Clause 10, for the presence at the whipping of the parent or guardian of the child.

MR. ASSHETON CROSS observed, that the hon. and learned Member would find at the end of the Bill that by "child" was always intended a child under 12. This clause only referred to "young persons," and the introduction of the words suggested would only lead to confusion.

SIR HENRY JAMES asked if there would be any objection to the insertion of the proviso with the alteration of "young person" for child?

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 12 (Summary conviction with consent of adult).

MR. GREGORY moved, in page 6, line 36, after the word "do," to insert—

"Having regard to the character and antecedents of the person charged, the nature of the case, and all the circumstances of the case."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 13 (Summary trial on plea of guilty of adult) *agreed to.*

Clause 14 (Restriction on summary dealing with adult charged with indictable offence) *agreed to.*

Clause 15 (Restriction on punishment of child for summary offence) *agreed to.*

Clause 16 (Power of court to discharge accused without punishment).

MR. COLE thought that it was unwise to insert the word "damages" in the clause. If a person were not to be convicted it was well for the Court to have power to make him pay such costs as were thought desirable; but if there was a power given to the magistrate to make him pay damages for any offence, he might be condemned to pay a much larger sum than any fine which the Act imposed. He thought, therefore, that it was a serious thing to leave open the question of damages, for a person who might unintentionally have caused damages which might amount to a large sum might, in this way, be compelled to pay them, instead of leaving the party claiming the damages to his civil right. He, therefore, moved to omit the word "damages" in page 8, line 34.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that it seemed to him desirable in certain cases for the magistrates to have power to award damages when the case had been proved but they did not think that it merited punishment. But he agreed with his hon. and learned Friend that they ought not to have the power to award unlimited damages, and he thought it would be well to strike out the words "such damages" wherever they occurred, and allow the magistrates not to proceed to conviction, but to dismiss the information and award costs.

SIR WALTER B. BARTELOT thought that when small damage to the amount of a shilling, or something of that kind was committed, it ought to be a part of the punishment that the offender should be fined to pay for the damage he had done. A window might be broken, for instance, and there ought to be a

power on conviction of making the person doing it pay damages.

SIR HENRY JAMES said, that, of course, if a man were convicted, the magistrates could impose the payment of damages upon him. This clause was to meet the case of a man who had not been convicted, and, without his being convicted, there was a power to make him pay unlimited damages. If a man were convicted, the amount of damages that he could be made to pay was limited; whereas, if he were not convicted, he could be made to pay unlimited damages. It was to strike out the latter provision that his hon. and learned Friend had moved.

MR. ASSHETON CROSS observed, that he was entirely with his hon. and gallant Friend behind him (Sir Walter B. Bartelot) as to the desirability of magistrates having the power to order payment of damages for small offences. But if there were any serious damages, the magistrates had not the power to award them.

MR. PAGET wished to say that this subject had been well considered by the Committee, and that the words were deliberately inserted in favour of persons charged with small offences. If the words were struck out, there would be no power to make a person, against whom the magistrates wished to dismiss the charge, pay damages. The words were really in favour of the person charged with an offence, for without them he could not be made to pay damages without convicting him. The object of the sub-section was that a person could be made to pay damages as compensation, if the magistrates thought it desirable, without proceeding to conviction.

MR. ASSHETON CROSS inquired if his hon. and learned Friend would be content if "damages not exceeding forty shillings" were substituted for the present provision?

MR. COLE expressed himself satisfied with the proposed Amendment.

Amendment agreed to.

Amendment, in line 24, page 8 after the word "and," to insert "such," agreed to.

SIR HENRY JAMES was unwilling to detain the Committee, and would therefore state very briefly his objections to this clause. The clause gave power

Mr. Gregory

to a Judge of a Court of Summary Jurisdiction—to the magistrates after proof of the commission of an act which the law said should be an offence, to say that no punishment should be inflicted. The clause had been inserted with the view that there should be an opportunity for the magistrates, if they thought that an offence, though technically it had been committed, yet did not deserve punishment, to allow the offender to go without conviction. That involved a very grave principle, for it placed those concerned in the administration of the law in a position to do a very great injustice. Judges and magistrates might have prejudices of a particular kind, and a magistrate might say—"I quite admit that the law has been broken; but, because I think the law wrong, I will not enforce it." A Judge might say—"There ought to be no law against poaching;" and such a man would be placed by this clause in a position to control the Legislature, by not carrying the law into effect. Probably, to Courts of Summary Jurisdiction this objection would not so much apply, for there would not be opportunities for a Justice supposing himself capable of preventing serious offences being dealt with. But his object in seeking to call attention to the clause was that he feared that if it passed the principle of it would be extended to the Criminal Code Bill, and to Bills of a similar character. He was, therefore, anxious to make a protest against its being said that through the acceptance of the clause in the present Bill the House had accepted the principle of giving Judges the power of at once dismissing prisoners if they thought the law unjust. Some of his hon. Friends, for whose opinions he had the greatest respect, were, he knew, in favour of such a provision. He, however, took the opportunity of stating his disagreement with the clause, and protesting against its principle being applied in more important matters.

MR. WHITWELL said, that this clause enabled a Justice to pass by a rich man, and allow him to go away unconvicted by paying some expenses which were nothing to him. There was a tendency, in many instances, to extenuate in favour of persons well off; he did not mean that it was always so—much to the contrary—but still they did see it, and this clause opened a door to such

practices, which would be very undesirable.

MR. COLE would strongly support this clause. There were many cases in which a breach of the peace had been technically committed, but in which a man had been so provoked or outraged by the misconduct of another that he might be well excused morally, although in point of law his offence could not be justified. And there were many other cases on which a magistrate would not wish to submit a man to the indignity of a conviction, but while, at the same time, the man had really broken the law. Under these circumstances, he was most strongly in favour of the clause. With regard to the argument that there was one law for the rich and another for the poor, that was not his experience. A man who was rich, or in a superior condition in life, generally fared worse before a magistrate than his poorer brethren.

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) observed, that the clause gave the magistrates a certain discretion. It was placed in the discretion of the magistrates, if they considered that the ends of justice were met and thought fit to exercise the power, to refrain from convicting a person who had unquestionably committed a breach of the peace. That seemed to him to be a very reasonable provision.

MR. COURTNEY said, that this was not the only case in which a discretion was given to the magistrates. The Court might discharge a prisoner conditionally on his giving security, with or without sureties, to come up for sentence if called upon to do so. That was one case. But now it was proposed to give a magistrate the power to say that a charge was proved, but that the offender was not to be convicted. It seemed to him that that was a new and totally unheard of discretion.

MR. ASSHETON CROSS said, that anyone conversant with the practice of the magistrates' Courts would know that it very often must happen that although a magistrate thought a case legally proved, yet he did not wish to do anything. This clause was inserted to legalize what had been done before in an informal manner. He might further say that any magistrate discharging a prisoner because he disagreed with the law would be guilty of corruption in his office.

MR. CHARLEY remarked, that a power similar to that given by this clause was contained in the Criminal Justice Act.

Clause, as amended, *agreed to*.

Clause 17 (Trial by jury in case of offences triable summarily) *agreed to*.

Clause 18 (Imprisonment in cases of cumulative sentences not to exceed six months) *agreed to*.

Clause 19 (Appeal from summary conviction to general or quarter sessions) *agreed to*.

Clause 20 (Sitting of court of summary jurisdiction as a petty sessional court, and in occasional court-house) *agreed to*.

Clause 21 (Special provisions as to warrants of commitment for nonpayment of sums of money, and as to warrants of distress) *agreed to*.

Supplemental Provisions.

Clause 22 (Register of court of summary jurisdiction) *agreed to*.

SIR WALTER B. BARTTELOT moved to report Progress, as they were now coming to an entirely different part of the Bill.

MR. ASSHETON CROSS said, he had no objection to the Motion.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Monday* next.

WEST INDIA LOANS BILL.

Resolution [May 8] *reported*, and *agreed to*:—Bill *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Sir HENRY SELWIN-IBBETSON.

Bill *presented*, and read the first time. [Bill 167.]

BANKING AND JOINT STOCK COMPANIES

(NO. 2) BILL.

Considered in Committee.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Law with respect to the liability of members of Banking and other Joint Stock Companies.

Resolution *reported*:—Bill *ordered* to be brought in by Dr. CAMERON, Sir ANDREW LUSK, Mr. HORWOOD, and Mr. EAEP.

Bill *presented*, and read the first time. [Bill 168.]

House adjourned at half after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, 12th May, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Statute Law Revision (Ireland) (80).
Second Reading—Racecourses (Metropolis) (45); Public Health (Scotland) Provisional Order (Castle Douglas) * (68).
Third Reading—Land Drainage Provisional Order (Bispham, &c.) * (65), and *passed*.

SOUTH AFRICA—THE ZULU WAR—THE LATEST TELEGRAMS.

OBSERVATION.

EARL CADOGAN: My Lords, perhaps it may be convenient that I should read the following telegram which has been received at the Colonial Office to-day:—

“Telegram from Mr. Hampden Willis, Secretary to the High Commissioner, Cape Town, to the Secretary of State for the Colonies, dated St. Vincent, 12th, 10.40 a.m., received Colonial Office, 12th, 1.50 p.m.:—April 27.—High Commissioner, at Pretoria, telegraphs that Boers' Camp broke up on the 18th inst., and all have dispersed quietly to their homes. The conference between High Commissioner and Boers' Committee at Erasmus Farm took place April 12th, lasted five hours and a half, and passed off in perfectly friendly manner.”

RACECOURSES (METROPOLIS) BILL.

(*The Viscount Enfield.*)

(NO. 45.) SECOND READING.

Order of the Day for the Second Reading, read.

VISCOUNT ENFIELD, in moving that the Bill be now read a second time, said, that the measure was promoted as a protection to local residents and in the interests of the Turf. The measure had been before the public for the last three years, and during its passage through the House of Commons had received the support of Her Majesty's Government, and more especially of those who were connected with the Home Office, and who were, therefore, most responsible for good order within the Metropolitan area. The late Under Secretary of State for the Home Department (Sir Henry Selwin-Ibbetson), and Sir Matthew White Ridley, the present Under Secretary, spoke and voted in favour of the second reading when the Bill was in the House of Com-

mons; and on March 6, 1879, the Secretary of State (Mr. Cross) himself in Committee said—

“He only spoke in the interest of public order, when he said that had not people seen that these races were conducted in an improper manner the hon. Member for Glasgow (Mr. Anderson) would not have brought forward the Bill. But the races in question had not been conducted with proper decency.”

He could have wished that the charge of the Bill had been intrusted to some Member of their Lordships' House who was also a member of the Jockey Club, as an earnest of their desire for reforming and purifying the great national pastime of horse-racing; and, certainly, the abuse with which the Bill dealt was one which required immediate remedy. But although the Bill might be justly described as miserably inadequate to securing these purposes, still it did something in the way of affording protection to the peaceable and orderly inhabitants of the suburban districts, whose retirement was now continually infested by the disreputable mobs who attended the gate-money meetings. After the passing of this Bill, horse races within 10 miles of London, unless licensed, would be unlawful. He did not think the area was wide enough; and he would be prepared to support any noble Lord who might propose, in Committee, to extend it to 12 or 14 miles. He had been told that the Bill interfered with the rational amusement of a great multitude of excellent and well-conducted people. So far from that being the case, the Bill enabled the Justices at the Michaelmas Quarter Sessions to grant licences at their discretion on the application of any person, being the owner or occupier of any open or inclosed land, desirous of obtaining a licence for horse-racing therein. The application was to be made and disposed of in the same manner as applications for licences for places for dancing and music. The magistrates would hear the application and the evidence in its favour, and any opposition that might be offered; and if the applicant were of good character, the place suitable, and the arrangements were such as would secure that the proceedings would be conducted in an orderly manner, and the inhabitants of the neighbourhood favourable, they would grant the licence; or they might withhold it

if not satisfied. Those of their Lordships who were members of the Jockey Club were well aware of the nature and character of gate-meetings; but for the benefit of those who were not, he would give a brief description of them. A sporting publican who rented a few acres of grass got up these races, built a stand, erected booths, and charged a toll on those who came upon the ground. A mob of low betting-men, welters, sharpers, roughs, and pickpockets were attracted; and the unhappy animals which were engaged in these contests were of such a character and condition that probably no cab or van proprietor would give £25 for the winner of the so-called “Great Swindleham and Milkham Handicap.” With such well-established and interesting meetings as Epsom and Ascot within an easy distance of town, where the best horses and the most interesting contests were witnessed, such mushroom gatherings as Kingsbury, West Drayton, Croydon, Eltham, Bromley, Streatham, Enfield, and others, were not needed in the interests of true sport. He confessed he had heard with feelings of great regret that “the Turf Parliament” were hostile to the measure, and were not disposed to give the Bill a second reading. He wished to speak with all respect of the Jockey Club as a court of honour; but in these days private individuals and corporate bodies with irresponsible power were amenable to the public for their actions, and if their actions did not come up to the public requirements they must expect hostile criticism. He feared that that was the case with the Jockey Club at this moment. What had that Turf Parliament done for the sport of racing during the last 10 years? On this subject he would call a distinguished witness into court, one who was now no more, but whose name was yet honoured in the land—the late Earl of Derby. Ten years ago, Lord Derby addressed his celebrated letter to Sir Joseph Hawley, and in it was this remarkable passage—

“St. James's Square, May 28, 1869.—I cannot conceal my opinion that your resolutions deal with only one of the vices which, as it seems to me, are yearly lowering the character of the Turf. I know that some persons consider the multiplication of races and of starters a sign of its success. I look on them as the very opposite, and I should hail with satisfaction the disappearance from the Calendar of one-half of

the present meetings. I take it that the deterioration of the Turf in public estimation, of which there is no doubt, is mainly owing to the fact that the majority of horses are now in the possession of men who run for profit and not for sport, who care nothing for the animal horse, who cannot afford to wait for a return of their money, but who, in the language of the Manchester school, prefer 'a nimble ninepence to a slow shilling,' and in whose hands a wretched animal, especially if not quite so wretched as he is thought, is as valuable as one of a high class, if not more so. I am satisfied that unless the Jockey Club apply themselves vigorously to check the acknowledged abuses of the Turf, not only will there be an increasing secession of men of character and station, and an increasing accession of those who have neither, but they themselves will lose ground in public estimation, and public opinion will ere long demand and enforce a sweeping suppression of abuses by external authority."

And what were the evils on which Lord Derby particularly animadverted? First, early two-year-old racing; second, multiplication of inferior race meetings throughout the country; third, encouragement given to short races, half-mile scrambles, which were no test of the real merits of a horse. He (Viscount Enfield) would now add two other evils with which the Jockey Club had not grappled—the sanctioning play or pay betting for handicaps—one of the most fruitful sources of fraud and robbery, and last, but not least, the prevalent fashion of allowing horses to run under assumed names for their owners or co-proprietors. This last had done more to deteriorate the character of the Turf during the last few years than anything else. During the 10 years since Lord Derby wrote his letter, one solitary measure of reform was passed by the Jockey Club—and that was, he believed, rescinded again within 18 months. He alluded to Colonel Forester's excellent proposal not to allow two-year-olds to run before the 1st of May. The Jockey Club, no doubt, expected that the gentlemen who accepted the office of steward at these meetings would see that they were conducted with decorum. But reliance on these stewards was nugatory—he should like to see the gentleman who valued either his character or his watch who would attend such meetings. Assumed names were a fertile source of fraud, as the public did not know who were the real proprietors of the horses which ran. In former days the owners of racehorses had names which, in public estimation,

Viscount Enfield

were synonymous with honourable conduct and straightforward sportsmanship—such names as Bedford, Grafton, Glasgow, Rutland, Portland, Verulam, Jersey, Eglinton, Peel. These were names that gave credit to the Turf. But now, unfortunately, *The Racing Calendar* contained names of the most irresponsible and grotesque kind—Mr. Flutter, Mr. Micawber, Mr. Ruff, Mr. Good, Mr. Mask, Mr. Somersetshire, Mr. Squills, and many others. They might represent either a distinguished capitalist in the City, or a so-called financing agent, or a retired valet—an opulent gin-distiller possibly, or a station-master on one of their lines of railway—possibly even some young Conservative Member of Parliament, or an aspiring "detrimental," of whom a modern poet of society had given them a very graphic description—

"His partner's delight and the chaperon's fear,
He's voted a trump among men;
His father allows him two hundred a-year,
And he'll bet you a thousand to ten."

The public complained that the Jockey Club endorsed these names, if not with actual approbation, yet with toleration, for they received a fee of 25 guineas for every such name which was registered; and if his noble Friend the senior Steward of the Jockey Club felt any qualms of conscience, he might rub his hands, while he thought of this tax, and say with the old Roman financier, "*Non olet.*" In contrast to our Turf senators, what had the French Jockey Club done? In future no horses would be allowed to compete at any of the meetings held under the Jockey Club in France that had run at a meeting organized as a private speculation, and where a special tax was levied on the list-keepers or ready-money betters. He would sum up his remarks by asking their Lordships to read the Bill a second time. He did so as a magistrate and ratepayer in the Metropolitan county. He urged its acceptance in the interests of good order, and as some slight security for the protection of the householders, who were injuriously affected by the annual recurrence many times over of these Saturnalia; but he did so especially in the interests of the old national pastime of horse-racing. Though he seldom now attended races, and scarcely ever betted, no member of the Jockey Club

took a livelier interest in the national pastime than himself—in the various old-established meetings, the “form” shown by horses, and the manner in which the various crosses of breeding told—and no one would more rejoice than he should were the Jockey Club to bestir themselves in earnest in endeavouring to sweep away the hideous abuses which now existed, and by drastic measures of reform render to racing once again the honourable appellation it formerly deservedly enjoyed of being “the sport of Kings.”

Moved, “That the Bill be now read 2.”
—(*The Viscount Enfield*.)

LORD ST. LEONARDS, who was nearly inaudible, said, that he regarded the proposed legislation as an unjustifiable attempt to interfere with the amusements of the humbler class, while it left those of the richer and more leisurely classes untouched. Why should they attempt to suppress such meetings as Kingsbury and Croydon, and leave out Kempton and Sandown? He would move that the Bill be read a second time that day six months.

Amendment *moved*, to leave out (“now”) and add at the end of the Motion (“this day six months.”)—(*The Lord St. Leonards*.)

THE DUKE OF RICHMOND AND GORDON: I shall give my cordial support to the Motion of the noble Lord who has moved the rejection of the Bill. My noble Relative who introduced the measure (*Viscount Enfield*) dislikes those small meetings which take place in the neighbourhood of London. I can assure him that none in this House or the country can have a greater dislike to them than I have. I take a great interest in the national pastime of racing. I think these small meetings have done an infinity of harm, and I hope to see them put a stop to, and anything I can do either in or out of this House to carry out that view will certainly be done. My noble Relative stated that the Bill which he asked your Lordships to read a second time was miserably inadequate to the object for which it was intended, and that was the only thing he told us about the Bill. We have not, from the beginning to the end of his speech—anything to let us know whether the Bill consists of one clause

or 50, or what any of these clauses are intended to enact. My noble Friend was bound to tell us how he intended to do away with what he calls this injury to the ratepayers of the Metropolis. Not only did he not tell us how the Bill would effect its purpose, but he avowed his anxiety to extend its provisions. My noble Friend appears to have run away into a sort of lecture to the Jockey Club, and commented severely on the countenance they had given to persons who ran horses under assumed names. But when he spoke of the assumed names under which horses were entered, he forgets that anyone can ascertain who these assumed names represent. I quite agree, however, with my noble Friend that the use of assumed and grotesque names is not right, and that such names are objectionable. My noble Friend contrasts the names of former days with the names connected with the Turf now; but I cannot agree with him that all the racing of the present day is done under assumed names. I will read him a few modern names, and I doubt if he will have a single word to say against them. What does he say to these names—the Duke of Westminster, the Earl of Stamford, the Earl of Rosebery, the Earl of Rosslyn, the Earl of Wilton, the Duke of Hamilton, Lord Sefton, Lord Falmouth, Lord Vivian, the Earl of Cork, Lord Fitzwilliam, and last, but not least in the list, the Marquess of Hartington, to whom, I think, my noble Relative will give credit for high principle? The assumed names are registered, and they can easily be ascertained; and on the ground of running in assumed names my noble Relative has not made out his case. My noble Relative has given no reasons for the second reading of the Bill; I will endeavour to show why the Bill should not be read a second time. In the first place, I think it is an unnecessary Bill, because the Stewards of the Jockey Club and the magistrates have the power to put an end to these meetings, and they do put a stop to them. Another reason is that the Bill is too despotic and tyrannical in its character. Why should the scope of this Bill stop within 10 miles of the Metropolis? My noble Relative is prepared to extend the area to 12 or 14 miles. But why stop at 12 or 14 miles? It is said that these meetings are a nuisance to the inhabitants of the Metropolis. But

London is not the only large city in the country. What are you going to do with Birmingham, Liverpool, and Manchester? You cannot keep to 10, 12, or 14 miles; if this Bill passes it must be made to apply to the whole country, and if so, you are asking for one of the most tyrannical measures that ever went out of this House. To show what are the powers of the Jockey Club in respect of such meetings, I will quote one of the rules under the head "Management of Meetings and Powers of Stewards"—

"Every meeting must be advertised in *The Racing Calendar*. The advertisements must state that the meeting is to be subject to the rules of racing, and must state, as soon as practicable, the days on which the meeting is to begin and end, and the names of two or more persons as stewards, and of the judge, starter, and clerk of the scales. No meeting shall be advertised in *The Racing Calendar* unless the money added be not less than 300 sovereigns per day."

If any meeting takes place without being advertised in *The Racing Calendar*, the horses which run at it cannot run at any other meeting throughout the country, and the jockeys are not allowed to ride at any course under the rules of the Jockey Club; and this has practically the effect of putting an end to meetings of an objectionable character. In the Memorial presented to my noble Friend the Prime Minister by the Stewards of the Jockey Club, and which is dated Newmarket, May 2, 1879, there is this statement—

"At meetings of the Jockey Club, held on the 16th and 30th of April, the Racecourses Licensing Bill was brought under consideration, and it was unanimously decided that the Stewards should be requested to place Her Majesty's Government in possession of the facts of the case as regards the powers claimed by the Jockey Club in respect of the licensing of race meetings and the manner in which they have exercised them. In accordance with this direction, the Stewards of the Jockey Club beg to represent to Her Majesty's Ministers that, as far as they are able to gather from brief reports of debates in the House of Commons, where this question seems to have been subjected to a very limited amount of discussion, it would appear that the Bill has been mainly advocated upon the alleged ground that the Jockey Club does not possess the power to deal with meetings held within the contemplated area; and, further, that if it did possess that power, it has hitherto neglected to take the requisite action. We would bring before the consideration of Her Majesty's Government that, in 1876, at a special meeting of the Jockey Club, it was resolved to revise the rules of racing, and that a fresh code of rules came into operation in January, 1877.

By these rules the Stewards of the Jockey Club have the full power of preventing any meeting taking place by refusing to advertise it in their official *Calendar* ('Rules of Racing,' Part 2, Rule 4); and as regards the alleged inaction of the Jockey Club, it should be noted that during the past year the notice of its Stewards having been called to certain irregularities which had occurred at one of the race-meetings held within the radius mentioned in the Bill, instructions were given to Messrs. Weatherby, the publishers of the official *Calendar*, by the said Stewards, which would have prevented the said meeting being held unless satisfactory guarantees were given for its proper conduct. No application was made to Messrs. Weatherby, and no race-meeting was held on that course last year. The Stewards of the Jockey Club further called the attention of the stewards of race meetings to the necessity of acting with authority in their capacity by the following notice, which appeared in *The Calendar*, No. 25, of last year:—"The Stewards of the Jockey Club beg to call the attention of gentlemen undertaking the office of stewards of race meetings to the responsibility which they incur for the proper management of such meetings, and express their hope that gentlemen will not accept the office unless they intend to be present, or are fully satisfied as to the arrangements for the conduct of the meeting." And lastly, the Stewards of the Jockey Club require a guarantee from all promoters of race meetings that adequate arrangements be made for the maintenance of order during the meeting. Since the action of the Stewards in these matters, the Metropolitan meetings have diminished from eight advertised in 1877 to two which have been hitherto advertised for this year. They humbly submit, therefore, that the Jockey Club, through their Stewards, have not been idle in the exercise of their authority, not only with regard to racing matters, but also as to the maintenance of order; and, further, that the said Stewards are ever prepared to entertain and act upon any suggestion with which the Secretary of State for the Home Department might favour them."

That the Jockey Club have power to stop these races is manifest by their having done so in the cases of West Drayton, Kingsbury, and Streatham. These are cases in which the Jockey Club have acted; and I have no doubt their rules will be more stringently carried out; in fact, so strictly have those rules been carried out, that the number of Metropolitan meetings has been diminished from eight, advertised in 1877, to two this year. As to West Drayton—where the stand was burnt down—that meeting has been put a stop to by the Jockey Club, an inconvenient practice of neglecting to pay over the stakes having arisen, and the Club insisting that before the meeting is advertised in *The Calendar* the money must be paid. That meeting has not

The Duke of Richmond and Gordon

taken place since; neither has the Streat-ham, for the reason that they have been unable to advertise in *The Calendar*, in all probability through being unable to guarantee the 300 sovs. a-day added money. The Kingsbury meeting has also come to an end, seemingly because they could not obtain stewards of character and responsibility. Under these circumstances, nothing calls for legislative interference. Moreover, the magistrates have power to refuse licences to the sporting publicans on whose property these meetings generally take place. My noble Friend has spoken of gate-meetings in terms of reprobation. Did he apply his condemnation to all gate-meetings, without exception?

VISCOUNT ENFIELD: Not to Goodwood.

THE DUKE OF RICHMOND AND GORDON: If I am not under a delusion, I have seen my noble Friend at the Goodwood meetings.

VISCOUNT ENFIELD: You never invited me there.

THE DUKE OF RICHMOND AND GORDON: If the noble Viscount had been at Goodwood, he would never have made the remarks. Gate-meetings are not all to be held up to public reprobation. Does the noble Viscount consider Sandown one of those gate-meetings? Does he consider that Sandown is not a respectable meeting, and that it is not attended by respectable people? Does not the noble Viscount know that persons of the very highest society, male and female, attend this meeting; and is it to be supposed they would do so, if they were characterized by any proceedings which call for magisterial interference? On the other hand, the magistrates have power to suppress objectionable gate-meetings by refusing the necessary licences for them. My noble Friend has quoted a letter written by the late Lord Derby to Sir Joseph Hawley; but I do not see how the authority of Lord Derby can be dragged into this question, seeing that that letter has reference to handicapping and running young horses, and has nothing whatever to do with gate-meetings. The noble Viscount has carefully refrained from explaining the provisions of the Bill. I will now do so. As I have already stated, and as my noble Friend has also stated, if the principle of this Bill were conceded, that you are to give magistrates the power of putting

down these races because they are a nuisance to the ratepayers, I do not see how you can confine the Bill to within 10 miles of London. Why are persons living outside that limit not to have the same protection as those living inside that limit? If you once pass this Bill, and say that magistrates are to decide whether the meetings are to take place or not, it must be extended further. What does the Bill propose? The 1st clause declares what is horse-racing; it says that any race in which any horse runs in competition with any other horse, or against time, for any prize, bet, or wager, and at which more than 20 persons are present, is a horse race. The 2nd clause declares any horse race unlawful which shall take place within a radius of 10 miles from Charing Cross, unless in a place duly licensed, as provided by the Act; and the 5th clause imposes a penalty of £10, or imprisonment for two months, on any person who shall take part in any horse race in any open or inclosed land or place for which a licence has not been obtained. The 6th clause declares that owners and occupiers of ground where unlicensed horse races take place shall be guilty of a misdemeanour, and on conviction shall be punishable by a fine not less than £5 nor exceeding £25, or by imprisonment for not less than one month nor more than three. Now, if you pass this Bill, and extend it to the whole country, what will be the effect of it? I ask your Lordships to imagine the case of a number of gentlemen staying in a country house for the purpose of hunting; there may be a dispute over the dinner-table that one horse is not so fast as another horse; and if, on the following day, those gentlemen run their two horses in the park for a bet of a sovereign, and there are more than 20 persons present—which, in all probability, there would be, looking on—why, they would be liable to fine and imprisonment. The gentlemen who had adjourned from the dinner-table to the park would become liable to a penalty of £10 or two months' imprisonment each; and their host, the owner of the park, would render himself liable to a penalty of £25 or three months' imprisonment. I think it likely that if this Bill pass no occurrences of that nature will hereafter take place in any gentleman's park. Then, as to licences—the licence, when obtained, is

to run for 12 months from Lady Day. So that any person requiring a licence must make his application at the Michaelmas Sessions preceding, or go without for 18 months. I am as much opposed to these small meetings as is my noble Relative himself. I am equally anxious to uphold the national pastime which has flourished in this country for so long a period; but I think I have fully shown that this Bill is unnecessary and would be tyrannical; and, for these reasons, I think myself fully justified in supporting the Amendment.

EARL GRANVILLE said, that when, last week, his noble Friend (Viscount Enfield) asked him to support this Bill, he told him he was very sorry he could not do so, and that, on the contrary, he should oppose it. The opinion which he entertained when he made that statement to his noble Friend was based on three points—first, the geographical limit to which the noble Duke (the Duke of Richmond and Gordon) had alluded; next, that the Bill seemed to be an invasion on the position of the Jockey Club; and, thirdly, that it would be opposed by the Government, who, in matters connected with the police of the Metropolis, had superior means of information to that which private persons could have. But since then he had had some conversation with persons of more knowledge on the subject than himself, and he had attentively listened to the speeches delivered that evening; and the result was that he felt constrained to support the Bill, notwithstanding the appeal of the noble Duke. With regard to the geographical limit, the noble Duke urged that it was impossible to apply to the Metropolitan district regulations which were not to be extended to other parts of the country. Was not that rather a new doctrine? Were there not powers vested in the Metropolitan magistrates and in the Metropolitan Police which were entirely distinct from those exercised in other great towns in the country? With regard to the Jockey Club, nobody was more anxious to support the authority of that body than he was. He thought that in one instance in their Lordships' House he had somewhat conspicuously supported the Jockey Club. His noble Friend the Chairman of Committees proposed a Bill regulating the weights to be used for racing; and he (Earl Granville)

opposed it in the strongest manner he could on the ground that horse-racing was a national pastime and had taken great hold on the people of this country; that it was necessarily important, therefore, to have some controlling power over racing, and that it would be very difficult indeed to substitute a better one than the Jockey Club as it then stood. The Jockey Club now was not quite in the position in which it was then. He pointed out to the House that at that time the Jockey Club included not only landowners, Generals, and Admirals, but also two Privy Councillors and seven members who had been Cabinet Ministers, of whom two had twice been Prime Ministers. Now, at present, he was afraid the Jockey Club could not claim as a member either the present or the late Prime Minister. The noble Duke had read a list of some of the most prominent members of the Jockey Club, and they were unquestionably persons in whom one would have the greatest confidence both for judgment and for knowledge of this particular subject. When he read the list, beginning with the Duke of Westminster and ending with the Marquess of Hartington, and including other distinguished patrons of the racecourse—among them his noble Friend opposite (the Earl of Wilton)—it occurred to him (Earl Granville) at once that he had never heard or seen in any newspaper of any one of those distinguished persons being present or running horses at Metropolitan gate-meetings. He thought that in anything with regard to racing there was no more competent body than the Jockey Club; but in this matter there were other considerations. He was told that at one of the suburban meetings a Newmarket official absolutely refused to go on with his duties any longer because he remarked that the jockeys delayed starting their horses until they got a fleet messenger informing them who was to win. Such questions as these there could be no doubt that the Jockey Club was the most competent authority to deal with. But when there arose the question of nuisance and of peace and order in the Metropolis, it appeared to him that the Jockey Club was not so good a body to control these places as the general body of magistrates. The noble Duke had given his opinion upon the Jockey Club Memorial. As he understood the matter,

The Duke of Richmond and Gordon

the proposal in the Jockey Club was that they should petition against the Bill; but there was a great difference of opinion, and the result was a compromise—namely, the Memorial was content with setting out the facts, and leaving the Government to deal with the question. With regard to the Government, it was said they were opposing the Bill, and that there had been “a whip” for the purpose. The noble Duke had given as a reason that the Bill was tyrannical and unnecessary, and that if it passed it would have to be extended to the rest of the country. But in what respect had the measure been changed since the time when it was supported in the House of Commons, not merely by an individual Member of the Government, but by the Home Secretary and his two Under Secretaries, who spoke in the strongest terms in favour of and voted for the Bill? Those Members of the Government might be supposed to be in possession of good information on such a subject; and when he found them supporting the measure as one calculated to effect the object for which it was promoted, he thought he was justified in giving it his support in their Lordships’ House.

THE EARL OF ROSEBURY: My Lords, I am not concerned to deal very closely with the speech of the noble Earl (Earl Granville) who leads this side of the House, because it dealt chiefly with some mysterious agencies that had operated on his own mind that I did not precisely understand, and it dealt also with the more mysterious policy of Her Majesty’s Government with regard to this Bill, which I still less can comprehend. I have observed this singularity in this debate—that only one speech has dealt with the measure now before the House, and that was not the speech of the noble Viscount who brought it in. He was good enough to express his views on a vast variety of subjects, with a good deal of wit and humour that commended itself to the House, and which everyone must wish to compliment; but I must be allowed, incidentally, to state that this is not a Bill for dealing with assumed names or post-betting, or the delinquencies of the Jockey Club; and as the noble Viscount’s speech dealt almost entirely with these topics, I failed to gather any special enlightenment. Agreeing fully, as I

do, with his views about post-betting and assumed names, I am not disposed to say that the Jockey Club or owners of racehorses yield in any respect to the owners of former days, and I confess I have investigated that subject from the records of the past. I claim to speak on this Bill with some little knowledge. I approach it from various points of view—as a member of the Jockey Club, as an owner of racehorses, as one who goes to races—which the noble Viscount does not—and as a suburban resident; and I think that from all these four points of view the Bill may be regarded as one that does not deserve the support of your Lordships’ House. There are two views, of course, as regards any Bill dealing with racing—there is the racing point of view, and in this case there is the point of view that regards the amenities of Metropolitan recreations. As regards racing, I do not suppose any human being pretends that the improvement of the breed of horses, which is supposed to be the object of racing, is furthered in any respect by the gate-meetings with which you are dealing; and, in a racing point of view, this Bill may be regarded as one which cannot affect racing as a national pastime. But, in the second place, when I come to the regulations that are to protect Metropolitan inhabitants against these “incursions of barbarians” of whom the noble Viscount speaks, he ought to remember—and that is the ground on which I feel myself compelled to vote against this Bill—that there are already three efficient methods of dealing with the matter. There is, first, the Jockey Club. I quite agree that the Stewards of the Jockey Club have been inert in this matter. There I fully admit the argument of the noble Viscount; and except they take more care for the future of these matters, as they are pledged to do, some other means must be resorted to. In the second place, the magistrates can refuse a licence, and that has been found operative; and, in the third place, the Commissioners of Police can refuse the protection of the police. If the noble Viscount thinks this Bill will furnish any more effectual means than these three of putting down these meetings, I do not think he has shown them to us. The fact is that the matter which your Lordships have to consider is one apart from racing. I do not think lovers of racing

would have cause of regret if all these gate-money meetings ceased to exist; but I am not unnaturally jealous of the amusements of a free people being tampered with by small measures of this description. You do not know where you are to limit them. The noble Viscount who moved the second reading says no unlicensed racecourse should be allowed within 15 or 16 miles. When you get to 16 miles, you touch the historic race of this country—the Derby. That would place it in the power of the local magistrates of Epsom to put down that race at any moment they may see fit. That would be the effect if the Bill were so amended. I came to this House somewhat wavering as to the expediency of opposing this measure. I confidently anticipated hearing strong arguments in its favour; but every argument which I have heard tends directly against the Bill, and I must record my vote with the noble Lord who moved the Amendment.

THE EARL OF MORLEY said, the noble Duke (the Duke of Richmond and Gordon) had urged as an argument against this Bill that it was impracticable to fix a limit within which it was to operate, and said that if such a measure was passed at all it must be applicable to the whole country. But he (the Earl of Morley) asked whether it had not in countless cases been found perfectly easy to define the exact space to which an Act of Parliament should apply? And why, therefore, should any special difficulty be experienced in the present case? This was not a question of racing or improving the breed of horses—it was really a question in the cause of law and order. The race-meetings to which it referred caused the dregs of the Metropolis to invade quiet neighbourhoods, and were, therefore, productive of great inconvenience to the inhabitants of those neighbourhoods. The Bill did not propose to prohibit these meetings absolutely; what it provided was that when a meeting of this kind was desired it should be necessary to satisfy Boards of Quarter Session that they would be respectably and quietly managed. He trusted that the Bill would be passed, and that the abominable meetings which were held in some quarters at the present time would be put an end to.

LORD RIBBLESDALE said, he would venture to say that these gate-meetings were attended by a large number of the

very persons who were stated in the Bill to object to them. The noble Viscount who had introduced the Bill stated that magistrates at Quarter Sessions, before granting a licence for a race meeting, would have to satisfy themselves that the horses that would be engaged were of the highest class. He thought it would be adding very much to the onerous labours of magistrates to require them to perform such a duty as that. He knew that meetings such as these in the suburbs of London were very objectionable, and he should, therefore, vote for the second reading.

THE EARL OF REDESDALE thought that the subject-matter of the Bill would be better left to the consideration and care of the Jockey Club.

THE DUKE OF RICHMOND AND GORDON explained that the Stewards of the Jockey Club were willing to act upon any suggestion that might be made by the Home Secretary on this subject. The matter had been discussed at a meeting of the Jockey Club, but no division was taken.

LORD ABERDARE asked whether, supposing these meetings were held in defiance of the Jockey Club and the rules laid down in reference to the class of horses run and the conduct of the jockeys who rode them, what power would the Club have over the meetings?

THE DUKE OF RICHMOND AND GORDON: The magistrates have power to refuse to license meetings irregularly conducted, and the Jockey Club would refuse to allow any advertisement of these races in *The Racing Calendar*. The Jockey Club have the power of preventing horses from being run and jockeys from riding at all race-meetings held under their rules; and the refusal to insert the advertisement of irregular meetings in *The Racing Calendar* would, consequently, have the practical effect of putting a stop to such meetings altogether.

THE EARL OF AIRLIE observed, that there were hurdle and other races which did not come under the jurisdiction of the Jockey Club, but which also needed to be controlled.

THE DUKE OF RICHMOND AND GORDON said, that the Grand National Hunt Committee would act in such cases in accordance with the course adopted by the Jockey Club.

THE MARQUESS OF HUNTLY said, it was clear, from the discussion which

The Earl of Rosebery.

had taken place, and from the speech of the noble Duke opposite, that the Jockey Club had the power, if they had the will, to apply a remedy for the abuses complained of. He came down to the House intending to vote for the second reading of the Bill; but after the statements made as to the proposed action of the Jockey Club, he did not think that the Bill was necessary. He believed that his noble Friend near him (the Earl of Rosebery) had won a race at Kingsbury.

THE EARL OF ROSEBERY said, that was quite a mistake.

THE MARQUESS OF HUNTLY said, the noble Earl was himself in America at the time; but he believed that he won a race at Kingsbury with a horse named *Halifaz*.

THE EARL OF ROSEBERY said, his noble Friend was misinformed.

THE MARQUESS OF HUNTLY said, the real point at issue was whether the meetings proposed to be dealt with under the Bill could be controlled by the Stewards of the Jockey Club, and he could not doubt they would be.

THE MARQUESS OF RIPON observed, that the noble Duke opposite had said the Jockey Club were anxious to carry out what the Home Secretary desired in the matter. What the Home Secretary desired was that the Bill should pass.

VISCOUNT ENFIELD said, that after the tone of the debate and the amount of support offered to the Bill, he preferred not accepting any vague promises on behalf of the racing authorities, but should go to a Division, and any Amendments might then be considered in Committee.

On Question, That ("now") stand part of the Motion? Their Lordships divided:—Contents 84; Not-Contents 57: Majority 27.

CONTENTS.

Canterbury, L. Archp.	Airlie, E.
Cairns, E. (<i>J. Chancellor.</i>)	Amherst, E.
York, L. Archp.	Annesley, E.
	Beauchamp, E.
	Belmore, E.
Bedford, D.	Brownlow, E.
Grafton, D.	Camperdown, E.
Somerset, D.	Carnarvon, E.
Westminster, D.	Cowper, E.
	De La Warr, E.
Ailesbury, M.	Fitzwilliam, E.
Lansdowne, M.	Granville, E.
Ripon, M.	

Harrowby, E.	Colchester, L.
Jersey, E.	Cottesloe, L.
Kimberley, E.	Elgin, L. (<i>E. Elgin and Kincardine.</i>)
Lucan, E.	Foxford, L. (<i>E. Lime-riek.</i>)
Manvers, E.	Greville, L.
Minto, E.	Harlech, L.
Morley, E. [<i>Teller.</i>]	Hatherton, L.
Northbrook, E.	Houghton, L.
Spencer, E.	Howard de Walden, L.
Sydney, E.	Keane, L.
Verulam, E.	Kenry, L. (<i>E. Dun-raven and Mount-Earl.</i>)
Waldegrave, E.	Lovel and Holland, L. (<i>E. Egmont.</i>)
Cardwell, V.	Monck, L. (<i>V. Monck.</i>)
Gordon, V. (<i>E. Aberdeen.</i>)	Monson, L.
Hardinge, V.	Mostyn, L.
Powerscourt, V.	Northwick, L.
London, L. Bp.	Poltimore, L.
	Ponsonby, L. (<i>E. Bess-borough.</i>)
Aberdare, L.	Robartes, L.
Auckland, L.	Sefton, L. (<i>E. Sefton.</i>)
Balfour of Burleigh, L.	Sherborne, L.
Belper, L.	Silchester, L. (<i>E. Long-ford.</i>)
Blachford, L.	Sondes, L.
Boyle, L. (<i>E. Cork and Orrery.</i>)	Stanley of Alderley, L.
Brodrick, L. (<i>V. Middleton.</i>)	Strafford, L. (<i>V. Enfield.</i>) [<i>Teller.</i>]
Brougham and Vaux, L.	Sudeley, L.
Calthorpe, L.	Talbot de Malahide, L.
Carysfort, L. (<i>E. Carysfort.</i>)	Thurlow, L.
Charlemont, L. (<i>E. Charlemont.</i>)	Tollemache, L.
Clifton, L. (<i>E. Darnley.</i>)	Truro, L.
Clinton, L.	Winmarleigh, L.

NOT-CONTENTS.

Northumberland, D.	Bagot, L.
Richmond, D.	Breadalbane, L. (<i>E. Breadalbane.</i>)
Rutland, D.	Clanbrassill, L. (<i>E. Roden.</i>)
Beaconsfield, E.	Colville of Culross, L.
Bradford, E.	Conyers, L.
Cadogan, E.	De Freyne, L.
Dundonald, E.	Delamere, L.
Ellesmere, E.	Digby, L.
Graham, E. (<i>D. Mont-rose.</i>)	Dorchester, L.
Haddington, E.	Dunmore, L. (<i>E. Dunmore.</i>) [<i>Teller.</i>]
Mount Edgcumbe, E.	Ellenborough, L.
Nelson, E.	Forester, L.
Ravensworth, E.	Gerard, L.
Romney, E.	Gormanston, L. (<i>V. Gormanston.</i>)
Rosse, E.	Grey de Radcliffe, L. (<i>V. Grey de Wilton.</i>)
Rosslyn, E.	Inchiquin, L.
Saint Germans, E.	Kenlis, L. (<i>M. Head-fort.</i>)
Selkirk, E.	Meldrum, L. (<i>M. Huntly.</i>)
Stanhope, E.	Norton, L.
Strathmore and King-horn, E.	Penrhyn, L.
Wilton, E.	Ribblesdale, L.
Zetland, E.	Romilly, L.
Hawarden, V.	Rosebery, L. (<i>E. Rose-bery.</i>)
Melville, V.	
Strathallan, V.	
Alington, L.	
Ashford, L. (<i>V. Bury.</i>)	

Saint Leonards, L.	Stewart of Garlies, L.
[Teller.]	(E. Galloway.)
Saltoun, L.	Stratheden and Camp-
Sandhurst, L.	bell, L.
Skelmersdale, L.	Windsor, L.

Resolved in the Affirmative.

Bill read 2^d accordingly, and committed to a Committee of the Whole House on Monday next.

ARMY—BRIGADE DEPOT CENTRES.

ADDRESS FOR A RETURN.

THE EARL OF GALLOWAY moved—

"That an humble Address be presented to Her Majesty for a Return showing for what number of troops the barracks at each 'Brigade Depot Centre' throughout the United Kingdom are at present constructed or in course of construction."

The noble Earl said, he understood in 1871 or 1872, that when the brigade depot centres was adopted the barracks in connection with them were to hold something like 600 men.

VISCOUNT BURY said, his noble Friend was mistaken in supposing that the brigade depot centre barracks were ever intended to accommodate 600 men. The original intention was that the barracks at each centre should hold 100 men, and that in case more accommodation was required, owing to the brigade being extended to war strength, or other emergency, huts or tents should be provided. As constructed, however, the barracks could, on the average, accommodate 237 men and 15 officers, and 25 married men's quarters. This, he begged their Lordships to note, was not the measure of the barrack accommodation of the country generally; he referred only to the barracks built for the purposes of the brigade depot centres.

Motion (by leave of the House) *withdrawn*.

WORKMEN'S COMPENSATION BILL.

(The Earl De La Warr.)

(NO. 7.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR appealed to the noble Earl (Earl de la Warr) who had charge of this Bill, to postpone the debate till the end of next month, in view of the fact that the Government had a Bill on the same subject, on which they desired at the earliest possible

moment consistent with the due progress of other Business to take the opinion of the House.

EARL DE LA WARR said, he had no hesitation in acceding to the request of the noble and learned Earl.

Adjourned debate on Motion for Second Reading put off to Tuesday the 24th of June next.

METROPOLIS—GRAVEL IN THE PARKS.

QUESTION. OBSERVATIONS.

THE DUKE OF RUTLAND asked whether it was intended this year, as formerly, to lay down gravel between the Marble Arch and Hyde Park Corner, the end of Rotten Row and Queen's Gate, and in Regent's Park? He made this request as much in the interest of pedestrians as equestrians, as the gravel did not splash as much as the macadam; and it was already laid down between Buckingham Palace and the top of Constitution Hill. If it splashed in the one case it would in the other. He should like to prefer a further request for some place to shelter from a storm; but with a Free Trade Budget and an energetic and Protectionist foreign policy, he dared not ask for even a small sum for such a purpose. He would leave the matter over until another year, when circumstances might be more favourable.

THE DUKE OF RICHMOND AND GORDON said, that he was unable to accede to the request of his noble Friend. Rotten Row was a place entirely set apart for riding, and was specially laid down for the purpose of being ridden upon. But as regarded the space between the Marble Arch and Hyde Park Corner the case was quite different, and for the sake of pedestrians he was obliged to refuse his noble Friend's request. Equestrians had ample space in Rotten Row for riding. It was, however, the intention of the First Commissioner of Works to put down some gravel in Regent's Park.

THE DUKE OF RUTLAND said, he was glad to hear that something would be done for putting down gravel in the Regent's Park, and he hoped the same favour would be granted to the road from Rotten Row to the Queen's Gate.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 12th May, 1879.

MINUTES.]—SUPPLY—considered in Committee
—CIVIL SERVICE ESTIMATES, Class II., Votes
1 to 17.

PUBLIC BILLS—Ordered—First Reading—
Inclosure Provisional Order (Matterdale Com-
mon)* [171]; Inclosure Provisional Order
(Redmoor and Golberdon Commons)* [172];
Inclosure Provisional Order (Maltby Lands)*
[173]; Inclosure Provisional Order (East
Stainmore Common)* [174].

First Reading—Metropolis (Little Coram Street,
Bloomsbury, Wells Street, Poplar, and Great
Peter Street, Westminster,) Improvement
Provisional Orders Confirmation* [175].

Second Reading—West India Loans* [167];
Courts of Justice Building Act (1865) Amend-
ment [156]; Valuation of Lands and Asses-
ments (Scotland)* [144]; Supreme Court of
Judicature Acts Amendment* [134].

Committee—Report—Summary Jurisdiction (re-
comm.) [138-169]; Criminal Code (Indict-
able Offences)* [170].

Third Reading—Valuation of Lands (Scotland)
Amendment* [16], and passed.

NOTICE OF MOTION.

PREROGATIVE OF THE CROWN.

NOTICE OF MOTION.

MR. E. JENKINS gave Notice, on
the Motion of the hon. Member for
Swansea (Mr. Dillwyn), to-morrow, to
move—

"That, in order to prevent the growing
abuse, under the advice of Ministers, of the
privilege and influence of the Crown, it is neces-
sary that the Royal Prerogative should be more
strictly limited and defined."

QUESTIONS.

POST OFFICE (IRELAND)—TELE-
GRAPH CLERKS.—QUESTION.

MR. M. BROOKS asked the Post-
master General, Whether, referring to
the memorial from the telegraph clerks
in the Dublin Post Office, it is intended
to raise their pay to an equality with
that given to the clerks in the principal
English cities discharging similar duties;
and, if so, when the reform may be ex-
pected to come into operation?

LORD JOHN MANNERS: Sir, I beg
to inform the hon. Gentleman that the
question is now under the consideration
of the Government.

CONSTABULARY (IRELAND)—CASE OF
SUB-CONSTABLE JOYCE.—QUESTION.

MAJOR O'BEIRNE asked the Chief
Secretary for Ireland, Whether sub-
constable Joyce, and several other con-
stables of the County Sligo Constabulary,
have verbally complained to the county
inspector, as regards fines, removals, or
other punishments, as being of a harsh
and unjust character; and, whether such
constables and sub-constables have, not-
withstanding such verbal complaints,
signed a statement through fear of con-
sequences, that they had no complaints
to make; and why the county inspector
did not himself, or his clerks, put such
complaints in writing, and forward them
to the Inspector General of Constabu-
lary?

MR. J. LOWTHER: Sir, as I ex-
plained upon a recent occasion, there is
a prescribed form in which complaints
should be made by members of the Con-
stabulary Force, and I find that sub-con-
stable Joyce made no official complaint.
It appears that the County Inspector
very properly took an opportunity of
urging upon him verbally the desira-
bility of abstaining from the course of
conduct which had led to the imposition
of a recent fine, but that no complaint
was made in the official form against
that fine; and it was not the duty of
the County Inspector to forward reports
of conversations. I see that the hon.
and gallant Gentleman attributes to
members of the Force that they have
signed incorrect statements through fear
of consequences. I believe that there is
no foundation whatever for that allega-
tion; and as the conduct of the County
Inspector is called in question, I have
made inquiries, from which I find that
in three years, during which time he
has had upwards of 200 men under his
command, the total fines imposed by
him have only averaged £2 6s. 8d. per
annum.

AFGHANISTAN—THE WAR—GENERAL
ROBERTS' DESPATCH.—QUESTION.

GENERAL SHUTE asked the Under
Secretary of State for India, Whether
General Roberts' Supplementary De-
spatch, published in part only by the
Indian Government in the "Gazette of
India," dated Calcutta, March 8th, re-
ferring to the important services rendered

by the 1st Brigade at the successful direct attack and capture of the Peiwar Kotal, will appear in its entirety in the "London Gazette?"

MR. E. STANHOPE: Sir, I am afraid I can only say that the whole of this supplementary despatch received in this country shall appear in *The Gazette* immediately.

SOUTH AFRICA—THE ZULU WAR— SURGEON MAJOR REYNOLDS.

QUESTION.

MR. ERRINGTON asked the Secretary of State for War, Whether under the new regulations, the recent promotion of Surgeon Major Reynolds, of the 2-24th, for his distinguished services at Rorke's Drift, would not in the ordinary course of events have taken place in a few months; and, under these circumstances, if he will consider whether some further recognition might not fairly be made of that officer's gallant conduct, and of the prominent part he took in the defence on that memorable occasion?

COLONEL LOYD LINDSAY: Sir, in the absence of the Secretary of State for War, I may say, in reply to the hon. Gentleman's Question, that very great service has undoubtedly been done by Surgeon Major Reynolds in South Africa, and he was specially promoted 14 months before he could have been in the ordinary course of things, and by that he had passed over the heads of 64 officers.

SOUTH AFRICA—THE ZULU WAR— THE 60TH RIFLES—COURT MARTIAL.

QUESTION.

MR. FRENCH asked the Secretary of State for the Colonies, Whether he has any objection to lay upon the Table of the House all the Papers relating to the trial by court martial of a sergeant of the 60th Rifles for retiring a picket on the alarm of the enemy without the order of his officer, in which he was sentenced to five years' penal servitude and reduction to the ranks?

COLONEL LOYD LINDSAY: Sir, the only Papers relating to the trial which have been received are those embodied in Lord Chelmsford's despatch of April 10, which has been published in *The London Gazette*. No further Papers are expected.

General Shute

MEDICAL REFORM.—QUESTION.

MR. ERRINGTON asked the Vice President of the Council, Whether, considering the complicated circumstances in which the important question of medical reform is now placed, and in order to avoid further unnecessary delay, he will now agree to its reference to a Select Committee as soon as possible, so that some progress may be made towards dealing with it?

LORD GEORGE HAMILTON: Sir, I stated some time back the course that the Government intended to pursue—namely, to embody in a Bill those educational reforms which had met, after protracted discussion, with the approval of the vast majority of the Medical Profession, and to refer to a Select Committee the disputed question of the constitution of the Medical Council, undertaking that the Government Bill should not be proceeded with until the Report of the Committee had been received. This course, in our opinion, was the most convenient and the most likely to save time; but I have been unable to carry it out, as the appointment of the Committee is blocked by an Amendment of the hon. Gentleman, which he will not withdraw. We are, therefore, in this position—that we must either accede to the proposal of the hon. Gentleman to refer all the questions contained in all the Medical Bills to a Select Committee, or postpone indefinitely—for the same difficulty would arise next Session—the prospect of medical reform. As this is a contingency much feared by medical reformers, we are ready to adopt the inconvenient procedure forced on us rather than sacrifice our Bill; and if, therefore, those hon. Gentlemen who have Amendments to the Medical Bills will withdraw them, so as to allow them to be read a second time, I will move that they be referred in their entirety to a Select Committee.

SPAIN—LABOUR IN CUBA.—QUESTION.

MR. ERRINGTON asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have any information as to the terms of a Treaty or Convention concluded between the Spanish Government and the King of Annam for the supply of Annamite labourers to Cuba; and, if not, whether he will endeavour to ascertain how far

those terms are calculated to secure the labourers in question from the oppressions which indentured labourers from other countries have endured and are enduring in Cuba?

MR. BOURKE, in reply, said, that an Annamite Mission visited Madrid last year; but in the Report received at the time from our *Chargé d'Affaires* no mention was made of any Convention between the Spanish Government and the King of Annam for the supply of Annamite labourers to Cuba. Due inquiry would, however, be made into the subject now that it had been brought to the notice of the Government.

INDIA FAMINE COMMISSION.

QUESTION.

GENERAL SIR GEORGE BALFOUR asked the Under Secretary of State for India, about the India Famine Commission, as to what parts of India that Commission has visited, what results brought out, where the Commissioners are at present, what they are doing, and when may their Report be expected; and, finally, what has as yet been the cost of this inquiry?

MR. E. STANHOPE: Sir, this Commission has visited or received evidence from the greater part of India. The result has been the collection of a great mass of very valuable information, which will require considerable time to sift and arrange. That work has been intrusted to Mr. Justice Cunningham and Mr. Elliott. Mr. Caird has come back to England, General Strachey has resumed his position as a member of the Council of the Secretary of State, and the other members are in India. The Commission is now considering its Report; but I fear some time must elapse before it is completed.

EDUCATION DEPARTMENT — BIRMINGHAM BOARD SCHOOLS.

QUESTIONS.

MR. HARDCASTLE asked the Vice President of the Committee of Council, Whether his attention has been drawn to the report in the "Times" of May 5th, of a meeting of the Birmingham School Board, at which a resolution was carried "that systematic moral instruction should be given in all the Birmingham

Board Schools," and the chairman proposed that special times should be set apart for moral instruction, the character of which he indicated in these words—

"That the children should be taught that there were moral laws, and that those laws should be enforced, and that if in the course of the instruction the name of God was mentioned he saw no harm in it;"

whether the setting apart special times for teaching this vague morality would come within the power given by the Act to set apart special times for religious teaching; and, whether, under the Conscience Clause, the children of parents who objected to the kind of instruction likely to be deduced from such materials by teachers prohibited from alluding to religion in any way, would be allowed to withdraw during the time set apart for this systematic moral teaching?

LORD GEORGE HAMILTON: Sir, the only information which we have concerning the proposed arrangement is derived from the public Press; and from that it appears that a discussion did take place at the Birmingham School Board, and that, in the opinion of the majority of the Board, the moral condition of the children in the Board Schools was not altogether satisfactory. There was very considerable divergence of opinion as to the remedy to be adopted. As regards the second part of the Question, I am afraid that until we are in possession of the code of moral ethics which it is proposed to teach, it would not be possible for me to give an answer, especially as the only information we have is the opinion of the chairman that the elder children should be put through a slight course of Acts of Parliament. In regard to the last part of the Question, the Education Act of 1870 did not contemplate the contingency of any School Board substituting moral for the religious instruction generally received; and I am sure my hon. Friend will not ask me to give an opinion on any complication which may ensue from the adoption of such a proposal until it comes before us in due form.

MR. CHAMBERLAIN: Will the noble Lord allow me to ask him, Whether he is not mistaken in saying that anything has appeared in the public Press or elsewhere which would justify the statement that the majority of the Birmingham School Board are dissatis-

fied with the present moral condition of the children under their charge?

LORD GEORGE HAMILTON: I have hero the report of the discussion at a meeting of the Birmingham School Board. The motion which was brought forward by the chairman, which was ultimately carried, was met by an amendment that such moral instruction was not necessary. That amendment was lost by four votes to nine. The next amendment was that instruction should be given based on the Bible, and it was lost by five votes to seven. The original motion, which was to the effect that moral instruction might be given, was carried, there being 11 votes for and nine against.

MR. CHAMBERLAIN: The noble Lord has not answered the Question that I ventured to put to him—namely, what authority he has for the statement that the majority of the Birmingham School Board are of opinion that the moral condition of the children under their charge is at the present time unsatisfactory?

LORD GEORGE HAMILTON: The statement which I made, and the only information I possessed, was derived from the public Press, from which it appeared that, in the opinion of the majority of the Board, the moral condition of the children in their schools was not altogether satisfactory. If the moral condition of the children in the Birmingham schools be thoroughly satisfactory, I cannot understand why the chairman made the motion which he did.

TREATY OF BERLIN—THE BALKAN GARRISONS.—QUESTION.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, If it is true that the Governments of Turkey and Russia have come to an agreement by which the former gives up the right of placing garrisons in the Balkans and of occupying with troops any places in Eastern Roumelia? He also wished to ask, Whether the Government can confirm the intelligence which was published in the "Standard" of to-day? The correspondent of the "Standard" says—

"General Obrutscheff, the adjutant general of the Czar, stepped up to the altar, and, surrounded by the leading ecclesiastics, addressed the crowd who filled the nave and aisles. He had come to them, he said, as the representative

of the powerful Monarch who had liberated them from the yoke of the infidels, and would defend their independence against the whole world. The Czar wished, through him, to acquaint the Bulgarians with the fact that in deference to a letter addressed by him to the Turkish Sultan, the latter had abandoned the idea of sending any troops into East Roumelia. Henceforth, East Roumelia will be a free country, exempt from the oppression that might be exercised by the Turkish troops in the Balkans, at Ichtiman, or at Bourgas. To neither of these places would an Ottoman soldier approach again under the arrangements arrived at."

MR. BOURKE: Sir, I am sorry to say that I have not seen *The Standard*, nor have I heard anything about the Notice which the right hon. Gentleman read to the House. In regard to the Question on the Paper, I have only to tell the right hon. Gentleman that we know of no such agreement as is described in his Question.

CONTAGIOUS DISEASES (ANIMALS) ACT, 1870—CATTLE FROM THE UNITED STATES.—QUESTION.

MR. MUNDELLA asked the Vice President of the Council, If he is aware that Professor W. W. Williams, of the Edinburgh Veterinary College, had written a letter to Dr. Laidlaw, veterinary pathologist of Albany, New York, denying in the most emphatic terms that pleuro-pneumonia has existed in any cattle hitherto imported from the United States; whether his attention has been called to a letter of Professor Williams, dated 29th of March, in which the following passage occurs:—

"Since first arrival of 'Ontario' with cattle, others have arrived at Liverpool, and I have examined the lungs said by Privy Council inspectors to have pleuro-pneumonia, and satisfied all who have seen them that no pleuro-pneumonia has arrived here from America; indeed, everybody is surprised that such a gross mistake should have been made. The last lot—seven in number—examined by me had bronchitis, with collapse of the lung; but not a trace of pleurisy nor of pneumonia, yet they were declared by the authorities in London to have typical pleuro-pneumonia. I have the specimens most carefully preserved, and am ready to show them to the whole world if necessary;"

and, what steps he proposes to take to satisfy himself of the correctness of these statements?

LORD GEORGE HAMILTON: Sir, a statement of Professor Williams was forwarded to the Privy Council Office by the Canadian Government last month,

Mr. Chamberlain

and upon receiving it the Privy Council requested Professor Brown, the head of the Veterinary Department, to investigate the subject. I will read the Memorandum which he has drawn up, and which was sent in reply to the Canadian Government—

"On January 26 the steam ship *Ontario* arrived at Liverpool, having on board 195 cattle and two carcasses; 87 head of cattle had been thrown overboard, making the total number shipped 284. On examining one of the carcasses, the Inspector at Liverpool found evidence of pleuro-pneumonia, and forwarded portions of the lung to the Veterinary Department. This specimen was found to represent the characteristic indications of the contagious pleuro-pneumonia of cattle so well known in this country. By direction of the Lord President, I immediately instructed Mr. Duguid, one of the Inspectors of this Department, to proceed to Liverpool and report as to the condition of the animals which had been detained there. Mr. Duguid remained at Liverpool and superintended the slaughter of the cattle, and in the course of the post-mortem examination he detected 13 cases of pleuro-pneumonia in various stages. Since the landing of the cattle from the *Ontario* in January, cases of the disease have been detected among cattle from the United States by the Inspector at Liverpool in three other cargoes, and in one cargo by the Inspector at the Foreign Cattle Market, Deptford. Portions of the lungs taken from the diseased cattle were forwarded by the Inspectors to the Veterinary Department; and I took the opportunity of submitting some of the specimens to the inspection of several experts who have made pleuro-pneumonia of cattle a subject of special inquiry, and they were unanimous in their expression of opinion that the morbid changes were indicative of contagious pleuro-pneumonia. I may add that the alterations which are apparent in the lung structure in contagious pleuro-pneumonia, even in the earliest stages, are so different from those which occur in any other affection of the lungs of the ox, that no competent pathologist would experience any difficulty in arriving at a correct conclusion as to the nature of the disease."

I may add that since the date of this Report six cargoes of cattle from America have been landed at Liverpool and Deptford in which contagious pleuro-pneumonia has been found to exist.

INDIA—THE INDIAN BUDGET.

QUESTIONS.

MR. FAWCETT asked Mr. Chancellor of the Exchequer, Whether he will inform the House on what Motion the Indian Budget will be brought forward; and, whether he will arrange that it shall be brought forward in such a

way as will allow of the opinion of the House being taken on the financial position of India?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he had consulted with his hon. Friend the Under Secretary of State for India as to the most convenient course to be adopted, and, having reference to the Notice of the hon. Member for Kirkcaldy (Sir George Campbell), he thought the best course would be to proceed with the Committee on the Indian Loans Bill. The House would be in Committee when the Amendment of the hon. Gentleman as to the amount of the loans would be moved. On going into Committee, his hon. Friend the Under Secretary of State for India would make a statement of the financial position of India; and he presumed that the question to be then submitted would be of such a character as to give ample opportunity for discussing the financial position of the country. There would also be other opportunities for raising other points in connection with the subject.

MR. FAWCETT: Mr. Speaker, I want to ask your opinion upon a very important question of Parliamentary procedure which affects the Privileges of this House. As I understand, the Under Secretary of State for India will make the Budget Statement—the entire financial statement of India—on the Motion which is already in Committee for raising a loan of £10,000,000—that Motion being in Committee, it will be absolutely impossible to raise any question except for reducing by the Amendment the loan, or rejecting the proposal altogether—I want to ask you, Mr. Speaker, Whether it is not unusual, when the Budget is brought forward, that the House should not be afforded an opportunity of expressing its opinion upon the general financial condition of India? I understand that under the arrangement proposed by the Chancellor of the Exchequer that opportunity would not be given.

MR. SPEAKER: The more usual course, no doubt, is for the Indian Budget to be proposed either in Committee or on the Motion that the Speaker leave the Chair. At the same time, I cannot say that the course proposed to be taken by the Government is out of Order, although it is unusual.

MR. FAWCETT: After the opinion expressed by you, Sir, and feeling that the course proposed by the Government

would take away from the House its proper opportunity of discussion, I beg to give Notice that if the Government persist in their resolution to make the Budget Statement, not on the Motion that you do leave the Chair, but on the proposition on going into Committee, I shall resist it by moving, as soon as we get into Committee, that Progress be reported.

SOUTH AFRICA—THE ZULU WAR—RAILWAYS.—QUESTION.

COLONEL BEAUMONT asked the Secretary of State for War, If he is aware that portable narrow gauge Railways can be laid down at the rate of several miles per day, in such a country as many parts of South Africa, and that an offer from a responsible firm has been made to undertake such work; and if, in view of the extreme importance of a ready means of transport to the success of the War in Zululand, he will give his attention to the subject?

COLONEL LOYD LINDSAY, in reply, said, a suggestion had been made that portable narrow-gauge railways in South Africa might be laid down at the rate of three miles a-day; but the information in the hands of the Secretary of State did not lead him to the same conclusion.

MERCHANT SHIPPING ACTS—SHIPPING OFFICE FEES.—QUESTION.

MR. GOURLEY asked the President of the Board of Trade, If he will cause to be placed upon the Table of the House without delay, an account of the Income and Expenditure for Shipping Office Fees received for the examination of masters and mates, and for engaging and discharging ships' crews, for the year ending 31st December 1878?

VISCOUNT SANDON: Sir, a partial Return, such as the hon. Member suggests, would, I think, be misleading. I propose, therefore, to lay upon the Table as soon as possible an approximate Return of the Income and Expenditure of the Mercantile Marine Fund for the last financial year, which will, I hope, give the hon. Gentleman all the information he desires.

NAVY—H.M.S. "IRON DUKE." QUESTION.

MR. GOURLEY asked the First Lord of the Admiralty, If it be correct that the

Mr. Fawcett

ironclad ship "Iron Duke" is on shore at Shanghai; if so, if he will be good enough to inform the House what damage the vessel has sustained, and, if got off, if she can be docked at Hong Kong or elsewhere in Chinese waters?

MR. W. H. SMITH: Sir, the Admiralty has not received any information, either from the Admiral commanding in China or the Captain of the *Iron Duke*; but information reached the Admiralty on Thursday from Lloyd's, which was to the effect that the *Iron Duke* was on shore, and I have this afternoon received a telegram through the Committee of Lloyd's—and I owe them thanks for their courtesy—informing me that the *Iron Duke* is not now on shore, but that she has been got off with assistance; and, so far as we know, there is no reason to suppose that she has sustained any damage. The *Iron Duke* was docked at Hong Kong on the 29th of March, and I think it was mentioned in the newspapers at the time. But she could be docked both at Hong Kong and Japan. If I receive any further information, I will take care to mention it as soon as possible to the House.

PREROGATIVE OF THE CROWN.

ALTERATION OF MOTION.

MR. DILLWYN: I find, Sir, that an interpretation has been placed upon the Resolution of which I have given Notice for to-morrow other than that which it was my intention to put upon it. It has been understood to imply a censure upon the Crown. Nothing is further from my intention; and, as my hon. Friend the Member for Dundee (Mr. E. Jenkins) has given a Notice which meets my view perfectly, without being liable to any such interpretation, I beg to intimate that I shall either alter my Resolution in accordance with the Notice of the hon. Member, or accept his Resolution to-morrow evening.

Subsequently, Mr. DILLWYN gave Notice as follows:—

"Constitutional Usage (Functions of the Sovereign).—That, to prevent the growing abuse by Her Majesty's Ministers of the prerogative and influence of the Crown, and consequent augmentation of the power of the Government in enabling them, under cover of the supposed personal interposition of the Sovereign, to withdraw from the cognizance and control of this House matters relating to policy and expen-

diture properly within the scope of its powers and privileges, it is necessary that the mode and limits of the action of the prerogative should be more strictly observed."

SOUTH AFRICA—THE ZULU WAR— THE LATEST TELEGRAM.

OBSERVATION.

SIR MICHAEL HICKS-BEACH: Sir, I have received information from South Africa which it may be of interest to the House to hear, as it conveys later intelligence from the Transvaal than any which has yet been published. It is dated Cape Town, April 27—

"High Commissioner at Pretoria telegraphs that Boers' camp broke up on the 18th inst. and all have dispersed quietly to their homes. The Conference between High Commissioner and Boers' Committee at Erasmus Farm took place April 12, lasted five hours and a-half, and passed off in a perfectly friendly manner."

INDUSTRIAL SCHOOLS (SCOTLAND). QUESTION.

MR. W. HOLMS asked Mr. Chancellor of the Exchequer, Whether, having regard to the fact that the rate of payment for children in industrial schools in Scotland is only four shillings and six pence per week, whereas it is five shillings per week for children in such schools in England and Ireland, and moreover the Secretary to the Treasury having last year given an assurance to the House "that he would consider the question, with a view, if possible, of getting rid of the grievance complained of," he is now prepared to put Scotland, as regards this grant, on an equality with England and Ireland?

SIR HENRY SELWIN-IBBETSON, in reply, said, that this matter had been under consideration, but thought the most convenient time to discuss the question was when the Vote came on in the Estimates.

THE NATIONAL FINANCES AND TREATIES—CONTROL OF PARLIAMENT.

QUESTION.

MR. NEWDEGATE gave Notice that either on the Motion for the second reading, or on the Motion that the Speaker do leave the Chair, that the House may resolve itself into Committee on the Customs and Inland Revenue Bill, he would move the following Resolution:—

"This House will not recognize or accept as binding any Treaty or other engagements entered into by Her Majesty's Ministers which might forestall or limit the control of this House over the financial resources and taxation of this Country, until full information as to such contemplated engagements has been laid upon the Table of this House, and this House shall have had the opportunity of expressing an opinion thereon."

He wished to meet the convenience of the Government in bringing forward the Motion; and he wished, therefore, to know from the Chancellor of the Exchequer, whether he proposed to proceed with the second reading of the Bill that evening?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he had hoped to move the second reading that evening; but as his hon. Friend was going to raise so important a question in connection with it, it might be convenient that there should be some little further delay. As his hon. Friend, however, had expressed his willingness to move his Amendment on the Motion that the Speaker leave the Chair, the second reading might be taken that evening, and the Committee fixed for some convenient day.

PARLIAMENT — THE WHITSUNTIDE RECESS.—QUESTION.

MR. MAC IVER said, he wished to put a Question to the Chancellor of the Exchequer with reference to the Business of the House. Wednesday, the 28th instant, was the Derby Day, and the following Sunday would be Whit Sunday. The time at which the House would adjourn for the Whitsuntide Recess was, therefore, matter of importance to those hon. Members who had Notices on the Paper for the eve of the Derby Day. He himself happened to have the first Notice on the Paper for Tuesday, the 27th. It was an important Motion relating to the agriculture and manufactures of the country, and he thought many hon. Gentlemen besides himself would be anxious to know whether the Government would permit his Motion to be discussed; and, if so, whether it would be at the ordinary hour, or at any other time?

THE CHANCELLOR OF THE EXCHEQUER: I have considered, in conjunction with my Colleagues, which would be the most convenient day for the House to rise for the Whitsuntide Holi-

days, and we are of opinion that, as there was but a short Holiday at Easter, it would, perhaps, be convenient to the House to adjourn from Tuesday, the 27th instant, to the Monday week following. The House would not, of course, rise on the Tuesday until after the conclusion of the last Business for which it met. I intend to propose that we should take a Morning Sitting on that day. That would not involve the necessity for the House rising at the end of the Morning Sitting. The House may sit again in the evening at 9 o'clock, and as the question which the hon. Member intends to raise has attracted a good deal of interest, I think it would then have a fair chance of being discussed.

Mr. MAC IVER said, that, after the intimation which had just been made, it was not his intention of bringing on his Motion on Tuesday evening, the 27th instant; but he might bring it forward in opposition to the proposal for a Morning Sitting, or in some other way.

THE METROPOLITAN BRIDGES.

QUESTION.

SIR JAMES LAWRENCE asked the Chairman of the Metropolitan Board of Works, When the remaining toll bridges over the Thames will be thrown open free to the public?

SIR JAMES M'GAREL-HOGG, in reply, said, there was no authority for the statement which had appeared in the public prints that five additional bridges would be thrown open on the 17th instant. The second section of five bridges would, however, be opened within three weeks. He could not at present fix the precise day. There were beyond that number three bridges which would remain to be thrown open.

ORDERS OF THE DAY.



SUPPLY—CIVIL SERVICE ESTIMATES.

[Progress.]

SUPPLY—considered in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

(1.) £23,343, to complete the sum for the Patent Office, &c.

(2.) £20,744, to complete the sum for the Paymaster General's Office.

The Chancellor of the Exchequer

(3.) £8,332, to complete the sum for the Public Works Loan Commission and West India Islands Relief Commission.

Mr. CHAMBERLAIN inquired when the Report of the Public Works Loan Commission was likely to be printed and distributed to hon. Members? It was of extreme importance that this Report should be in their hands before they proceeded to the discussion of the Public Works Loan Act, inasmuch as it would contain certain information which had not been included in any previous Report. The House ought to be in possession of information as to the total amount of losses which had been incurred, and on what classes of loans these losses appeared. He hoped the Secretary to the Treasury would give him some assurance that the information he desired would be furnished to the House.

SIR HENRY SELWIN-IBBETSON had no doubt the information would be very useful, and he thought he would be able to present it to the House before they discussed the Public Works Loan Act. He would not like, however, to pledge himself on that point.

Vote agreed to.

(4.) £17,420, to complete the sum for the Record Office.

(5.) £38,801, to complete the sum for the Registrar General's Office, England.

GENERAL SIR GEORGE BALFOUR asked whether any arrangement had been made in view of taking the Census in 1881? He might remind the Committee and the Chancellor of the Exchequer that this question was put in the Session before last; that it was very necessary to make timely arrangements for having uniformity in the three divisions as to the information to be obtained; that the arrangements for putting forward the vast store of information should be agreed as common for the three divisions; and that the publication of the Reports and tables should be made promptly. If possible, the Irish tables should not be spread over so many years as for the last Census. There was also needed an Act of Parliament to authorize the Census being taken, and to give legality to the demands for information. Probably, it would be advisable to form a Select Committee of a few Members to make the requisite inquiries.

THE CHANCELLOR OF THE EXCHEQUER replied that he had done nothing in regard to the matter yet; but he would bear it in mind.

Vote agreed to.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding \$377,088, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Stationery, Printing, and Paper, Binding, and Printed Books for the several Departments of Government in England, Scotland, and Ireland, and some Dependencies, and for the two Houses of Parliament, and for the Salaries and Expenses of the Establishment of the Stationery Office, and the cost of Stationery Office Publications, and of the Gazette Offices; and for sundry Miscellaneous Services, including a Grant in Aid of the publication of Parliamentary Debates."

MR. CHAMBERLAIN said, it would be in the recollection of the Committee that, in the discussion on the Supplementary Estimates, the Secretary to the Treasury was asked to make some arrangement by which some of the more important documents printed by the House should be circulated to the free libraries of the country under representative management. It was understood that the hon. Gentleman would communicate with Mr. Speaker to ascertain whether the documents of the House could be so distributed. He desired to ask what progress had been made in the matter?

SIR HENRY SELWIN-IBBETSON said, he well remembered the promise he had made, and he had since been in consultation with Mr. Speaker on this particular point. The whole question of the future printing of the Parliamentary Papers was now being considered. Sufficient progress, however, had not been made to enable him to say that arrangements had been made with regard to the distribution of these documents. He assured the hon. Gentleman the Member for Birmingham (Mr. Chamberlain) that the subject had not escaped his attention; and he hoped before very long to be in a position to make some definite statement.

MR. BRISTOWE asked if any part of the investigation had been directed to the cost of the various publications? It was one thing to go into the question of printing, and another to go into the

cost. He could not help thinking that this was a matter of some consequence.

SIR HENRY SELWIN-IBBETSON said, the cost formed one of the special items of consideration.

MR. BRISTOWE did not mean the cost of production, but the cost of the publications to the public outside—to the purchaser.

SIR HENRY SELWIN-IBBETSON understood what the hon. Gentleman meant; but, at the same time, he did not hold out any hope that it would be possible to reduce the price to any great extent. At the present, the price represented only the cost of the work.

MR. BRISTOWE hoped something would be done in this matter, because it was merely the cost of the printing and the paper that ought to be charged.

MR. MONK asked for an explanation why the Estimate for the coming year in respect to printing was £15,000 above that last year? Last year the amount was £121,000, and this year it was £136,000. That was a very large increase, and, without some explanation, the Committee ought not to be asked for so large an extra sum.

SIR HENRY SELWIN-IBBETSON observed, that if the hon. Member would refer to the Estimates, he would find that the real increase in the Vote amounted to £11,200. Of the sum mentioned, £3,800 was only an apparent increase; £2,000 was for the new forms required in the biennial re-assessment of the Income Tax, and the remainder represented an actual increase of work for several of the Departments.

MAJOR NOLAN said, there was an amount included in the Vote for the Queen's University, and which might be called a long-standing sore between the Irish Members and the Financial Department of the Government. He would not go into the merits of the question; but it was obvious that, if the protest against this institution was to have any value, the Vote could not pass unchallenged. The Government were said to be anxious to give Ireland equality in University education; but when he saw that the Queen's College, which was an institution opposed to the general spirit of the greatest part of the Irish nation, was the only institution of the kind getting its stationery at the expense of the nation, he could not but object. He should be glad if the Vote

could be put off until Irish Members could receive Notice of it; but if the Government insisted upon taking it, he must put the House to the trouble of a Division; and he should, therefore, move to reduce the Vote by the sum of £150.

Motion made, and Question proposed,

"That a sum, not exceeding £376,918, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Stationery, Printing, and Paper, Binding, and Printed Books for the several Departments of Government in England, Scotland, and Ireland, and some Dependencies, and for the two Houses of Parliament, and for the Salaries and Expenses of the Establishment of the Stationery Office, and the cost of Stationery Office Publications, and of the Gazette Offices; and for sundry Miscellaneous Services, including a Grant in Aid of the publication of Parliamentary Debates."—*(Major Nolan.)*

SIR HENRY SELWIN-IBBETSON explained that it was true that in the total amount for stationery there was included a sum sufficient for the Queen's University; but should the House decide that the Queen's University should not be retained on the Estimates, the fact of the House having passed this Vote would in no way affect that decision. The sum put down was not the sum it was proposed to spend during the present year; but it was the sum put down for stationery in 1877-8, and the only object in putting it down was to show, for the information of the Committee, how the total amount was distributed among the Departments. Should the House decide against the Queen's College, and this money not be spent, then it would find its way back to the Exchequer as a surplus on the Stationery Vote. By passing the Vote as it stood, they would not be committing themselves on the subject of University education.

MR. MITCHELL HENRY confessed that last year, when the subject was discussed, he did not understand the explanation given, and he did not understand it now. £332,441 was required for stationery, and he was told how the sum was to be applied among the different Departments. Were not the Committee voting the surplus for this year? Was it expenditure already incurred?

SIR HENRY SELWIN-IBBETSON said, what he wished to convey was that this Vote for stationery was a general

Vote, and no part of it was appropriated to any one purpose. There was no charge in the Vote now before the Committee for the Queen's Colleges; but the amount granted out of a Vote in the previous year to the Queen's Colleges was stated. As the House once expressed a desire to know the way in which the business of the Stationery Office was managed, a list of amounts, showing how the Vote had been appropriated, was put in for the first time last year. The list given in the Vote now before the Committee did not show how this money would be appropriated, but how the money which was voted in 1866-7 was appropriated, and out of that sum £129 went for the Queen's Colleges. That simply showed the Committee what was then done. In 1881-2 there would be a similar list, showing how the money now to be voted had been appropriated, and not before.

MR. MITCHELL HENRY said, as he understood it, the Crown required £332,441 for stationery for the present year, and it gave in the Vote information as to how a similar sum was expended in a previous year; but, at any rate, if the £332,441 was wanted, and was neither too much nor too little, *ipso facto* if they refused the Vote, the Department must go without it.

SIR HENRY SELWIN-IBBETSON wished to make the matter plain. Nothing could possibly be given to the Queen's Colleges until the Committee had sanctioned it in the Estimates. After the Vote had passed which sanctioned an appropriation from it to the Queen's Colleges, but without naming any particular sum, it would not necessarily follow that anything would be given to the Queen's Colleges, unless it was shown they required it. The figures now before the Committee ought not to appear in the Estimates at all, except to show how the Stationery Office did its work. It did not in the least imply that £120 would be wanted this year, nor did it imply that the Department would be able to give that amount, because the sum total for all purposes was all that came before the Committee. There very often was an excess on the Vote, and sometimes a deficiency; and if there was a deficiency, they would have to make a Supplementary Estimate.

MR. RYLANDS understood that it was not necessarily intended to dispose

of the amount of the Vote in precisely the same channels as before, and in the same way. It might happen that the Queen's Colleges might not apply for anything this year, or for less, whilst double the usual amount might be wanted in some other direction; but, on the whole, in a rough way, in order to satisfy the Committee, the Government took what they had expended in the different Departments before, to show that a similar amount would be required again. He noticed that £11,500 was put down for printing for borough and county prisons; and having regard to the recent taking over of the prisons, he wished to know on what that Estimate was based?

SIR HENRY SELWIN-IBBETSON said, he believed it was a fair and ample Estimate; but, with the short experience they had had of the new system, he could not speak with certainty as to its accuracy.

MR. J. COWEN wished to call attention to a point of some importance, affecting the officials of this Department, and that was the very great change which had recently taken place in the character of the paper on which their publications were printed. Formerly, the paper was chiefly composed of rags, and showed greater tenacity; but during the last few years, the paper had been made of various fibrous materials, such as wood-fibre, straw, and Esparto grass. In some cases, the paper was composed of two-thirds fibre, and one-third rags, and the consequence was that, in a few years, it became spotted, the ink gathered into places, and a good deal of the printing became unreadable. Any publication that had to be preserved must be printed on good paper. It would be well if the authorities were aware of that fact, and if the quality of the official paper were of a little better description. It had been recently found that a large mass of papers in the Government Offices at Washington had become totally useless from the poor quality of the material, and the Government had had to go to great expense in re-printing some of them. He did not know that the world would be much the worse if many of our official papers were not preserved; but he commended the subject to the attention of the Stationery Office.

MAJOR NOLAN gave credit to the Treasury for putting forward the very

best Estimate they could obtain; but there was another point of greater importance than the accuracy of the Estimate. The hon. Gentleman the Secretary to the Treasury had told the Committee that none of the money could be expended on Queen's Colleges, until they had decided that there should be Queen's Colleges at all in Ireland. Now, if he had a hope of beating the Government on that question, he should think it would be better to wait; but, at present, he had no such hope. Then came the question whether the Irish Members, who were admittedly in the minority, should wait for one big Vote, and then have done with it, or whether it would not be better for them to divide every time they had a fair opportunity. Now, the present seemed to him to be an excellent opportunity of showing their dislike, not to the Queen's Colleges, but to the system which made them the only Collegiate institutions open to the people of Ireland, and did not give them the chance of having Colleges such as they wished. He was sorry so few Irishmen were present; but he thought it would, perhaps, be better to divide.

MR. J. W. BARCLAY advised the hon. and gallant Gentleman (Major Nolan) not to go to a Division, as the Queen's Colleges would get the Vote, notwithstanding any such action he might take.

SIR HENRY SELWIN-IBBETSON said, he had made a note of the suggestion of the hon. Member for Newcastle (Mr. J. Cowen) with regard to the quality of the paper. He believed that under the new contract the paper was supplied at a fixed rate, which was rather above the market price; and, therefore, he hoped it would be of such a quality as to meet the objection of his hon. Friend. He could assure the hon. and gallant Member for Galway (Major Nolan) that should the House sanction any other College in Ireland, the Stationery Department would supply their needs out of the Vote. Whatever Department the House sanctioned would come out of this Vote; but the House had to sanction beforehand that the Queen's Colleges should be continued, before those Colleges would get anything from the Stationery Office.

MR. RAMSAY believed the Committee now thoroughly understood the

meaning of the hon. Gentleman's remarks, and did not see how the hon. and gallant Member for Galway (Major Nolan) would profit by a Division. He (Mr. Ramsay) objected to the manner in which the details of the Vote were given. The details of the past year were available; but the House did not possess the details for the year 1879-80.

MR. HIBBERT asked whether the amount of the Vote might not be reduced by the printing of the Department being performed in prisons, under the Government control? When the gaol at Gloucester was under the control of the county—before its transfer to the Government—the whole of the official printing for the county was very successfully performed by the prisoners in that establishment, and he saw no reason why that should not be done for all the prisons throughout the country.

SIR PATRICK O'BRIEN thought it was not an inopportune moment to call attention to an item in the Vote with reference to the Foreign Office. During the last year or two Papers of great interest and importance had been furnished by the Foreign Office to the Press, and to other persons, before they reached the hands of hon. Members of the House, who certainly might expect to receive the earliest information from the Government. There might be a reason to give an explanation; but he thought some explanation was required why hon. Members were not furnished with the documents at the time they were entitled to them—namely, at the earliest possible opportunity.

MR. SULLIVAN supposed the hon. Baronet the Member for King's County (Sir Patrick O'Brien) did not refer to the surreptitious obtaining of public documents; but he must say he did not agree with the hon. Baronet in his estimate of the relations which ought to exist, and did exist, between the Under Secretary of State for Foreign Affairs and the public Press. He appealed to the Committee to say that the hon. Gentleman the Under Secretary of State, in affording reasonable facilities to the Press, had conducted those relations with great tact and judgment, and with public usefulness. The documents to which reference was made were not published previously to their delivery to Members, but simultaneously; and if the hon. Baronet could show that that was not

so, and that Members were put in an inferior position, he should feel the justice of the complaint. But, under present circumstances, if a public document were put into his hands in the morning, and he found that *The Times* and *Telegraph*, *The Standard* and *Daily News*, had it as well, he did not feel that he suffered any injury. As one formerly connected with journalism, he said the relations between the Foreign Office and the Press were useful for public information; and he hoped as long as the present Under Secretary of State was connected with that Department, he would continue to recognize those relations as being of great public service.

SIR PATRICK O'BRIEN said, he did not at first move to reduce this Vote, because he merely wanted to have some information. What he complained of was, that during the Eastern Question he did not receive Papers until three or four days after he read of them in the morning papers. That was a state of things which he did not think should continue; and, therefore, in order to elicit some information from the Government, he proposed to reduce the Vote by the sum of £5,000.

THE CHAIRMAN observed, that the Amendment now before the House must first be disposed of.

MR. SHAW thought he and his hon. Friends would not make a very creditable exhibition if they went to a Division, because there were so few of them present. He was never opposed to asserting a principle, even in the Division Lobby; but he thought there were reasons on the present occasion why such a step was unnecessary. The Leader of the House had acted very fairly towards his hon. Friend (the O'Connor Don), who had to introduce a Bill of great importance—the University Bill—and had promised to give him facilities for introducing that measure, if he could not otherwise bring it forward; and he himself was not without hope that the Government, when they heard those propositions, would themselves adopt the measure, and pass it through the House. Under such circumstances, he thought his hon. and gallant Friend (Major Nolan) would be acting wisely in not pressing this matter to a Division.

MAJOR NOLAN remarked, that he did not expect to get much support in the Lobby that night; but he thought

it would pave the way to a better division on the Report at a later time. But as his hon. Friend the Member for Cork (Mr. Shaw) had stated some very excellent reasons for allowing the Vote to pass on the present occasion, he would withdraw his opposition, although his own desire would be simply and quietly to divide on every occasion that this Vote was proposed.

Motion, by leave, *withdrawn*.

Original Question again proposed.

Motion made, and Question proposed,

"That a sum, not exceeding £372,088, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Stationery, Printing, and Paper, Binding, and Printed Books for the several Departments of Government in England, Scotland, and Ireland, and some Dependencies, and for the two Houses of Parliament, and for the Salaries and Expenses of the Establishment of the Stationery Office, and the cost of Stationery Office Publications, and of the Gazette Offices; and for sundry Miscellaneous Services, including a Grant in Aid of the publication of Parliamentary Debates."

—(Sir Patrick O'Brien.)

MR. BOURKE regretted that he was not in the House when the hon. Baronet first spoke; but he gathered, from what he had been told, that the hon. Baronet complained that Papers from the Foreign Office were given to members of the Press before they were distributed to Members of the House. He could only reply that he knew of no case where such a thing had occurred. On the contrary, he took the greatest care that no Papers of any kind should be communicated from the Foreign Office to the Press before they had been communicated to Parliament. As the Committee must be well aware, there had been many occasions when the Press had been extremely anxious to obtain copies of Parliamentary documents; but he had invariably refused to publish them, or to give them in any way to the Press, not merely until the Papers had been communicated, but until they had been communicated to Members. Supposing the case, for instance, of a Paper printed that night, which would be in the hands of Members to-morrow morning, he had not even then communicated it to the Press, until he had made absolutely certain there was no doubt it would be in the hands of Members the next morning.

That was the rule, and he thought if the hon. Baronet would make further inquiries he would find that that rule was adhered to.

SIR PATRICK O'BRIEN replied, that his complaint had not been fully understood. Speaking for other hon. Members besides himself, he might say that that to which they objected was the fact that they did not receive Papers connected with the Eastern Question till two days after they had appeared in the morning papers. He did not say this was the fault of the Foreign Office; but he did think that they were to blame for the fact that other persons, not Members of either House of Parliament, received these Papers, and knew what they contained, before they were known to the Members of either House. For that reason, he ventured to intervene; and though he did not wish to put the Committee to the trouble of a Division, he could not at all admit the accuracy of the statement of the hon. Gentleman as to the practice of his Office.

SIR ALEXANDER GORDON found great delay in communicating the despatches published in *The Gazette*. There were some from the Cape published in March, which had not yet been sent to hon. Members, and, as a consequence, those of them who wished to follow the progress of the war, for instance, in South Africa, had great difficulty in doing so. He would, therefore, make the suggestion to the Financial Secretary to the Treasury, as he had already suggested to the Secretary of State for War, that the Supplement to *The London Gazette*, which was always published as a separate paper, should be laid on the Table of the House *pro forma* on the evening of publication, and then the Supplement could be circulated from the Vote Office. By that means, every Member would have an official copy of these important and interesting despatches in his possession, could follow the steps of the war, and could be ready at any time to take up the topic, instead of receiving these Papers once a month in a Blue Book, when they could be of no possible use. These *Gazettes* would cost nothing, excepting the paper, for the type was already set up, and the shape of *The Gazette* made them quite suitable for delivery to Members.

SIR HENRY SELWIN-IBBETSON promised to consider the question, al-

though the matter did not arise within, and was not connected with, his Department.

Motion, by leave, *withdrawn*.

GENERAL SIR GEORGE BALFOUR earnestly hoped the Secretary to the Treasury would continue to provide for *The Army and Navy Lists* being published under authority, and that these Lists would be kept better filled with information about the Naval and Military Services. He approved very highly of the excellent table in connection with the cost of stationery and printing done for the various branches of the Civil and Military Services. It was the best mode they had of keeping the expenditure of the Departments under control; and though it was clumsily prepared, and did not arrange the items under the heads in which they appeared in the Estimates, still it did enable hon. Members to compare the sums spent with the sums voted, and he hoped the Secretary to the Treasury would continue to give the matter his attention. So far from discontinuing the list, the Secretary to the Treasury would do good service by endeavouring to make it approach more nearly to perfection by separating the cost of stationery from that of printing, and by an improved arrangement of the figures to connect the amounts with those in the audited accounts. He hoped in future the table would be published in the Appropriation Account, and they would then be able to compare the items in detail with the totals now shown in lump sums. He also asked why *The Army List* did not appear among the allowances hitherto given for compilation?

SIR HENRY SELWIN-IBBETSON said, he could not explain the matter at that moment; but he would do so on the Report. With regard to the table, he was not very much encouraged to give it by the reception he had met with in that respect hitherto; but he certainly did not intend to discontinue it.

MR. WHITWELL pointed out that although there was a Supplemental Vote in the spring, and although the changes at the Post Office had relieved that Department to some extent, yet there was again an increase in the charges of £4,000. He was quite sure his hon. Friend (Sir Henry Selwin-Ibbetson) would pay particular attention to this subject, and

the Department would certainly prove a great friend to the Treasury. He thoroughly approved of the present management of the prisons; but he should like to know whether the Stationery Department had charge of the printing in the prisons, or whether that expenditure was now conducted by and included in the cost of that Department? Another matter to which he wished to call attention was the management of *The London Gazette*. It appeared at the present time to be yielding a considerable profit to the Treasury; but he believed it would be extremely advantageous if the price of that publication were considerably reduced and the circulation largely increased. One portion of the paper which conducted largely to the profit was the advertisements; and, of course, the more extensively the paper was circulated the greater would be the income for advertisements, and the greater the profit, like all other undertakings of a similar kind, from the sale. In addition, as suggested by his hon. and gallant Friend, they would have the benefit that the public announcements in *The Gazette* would be more widely circulated and more easily got at by those who were interested in them.

SIR HENRY SELWIN-IBBETSON promised that attention should be given to these suggestions; but, at the same time, begged to point out that there was at the present time a very considerable profit from the advertisements in *The Gazette*, amounting last year to £31,214, which was certainly a considerable sum.

MR. J. W. BARCLAY hoped something would also be done to reduce the price of the advertisements in *The Gazette*, which, at the present time, was a very serious tax on the mercantile community, who were obliged to put certain advertisements in the paper.

SIR ANDREW LUSK thought a more reasonable price ought certainly to be asked for these advertisements. He found under letter J. that printing, binding, &c. had fallen off by £15,000. He wished to know the reason for that? Paper, also, cost £92,000. Was that bought by contract, or was it ordered from some person as a matter of course? He hoped they did not pay very much for the paper in the Library, for it was not very grand, and the pens were very bad, and the ink was something abominable. It stuck, and would not write.

Sir Henry Selwin-Ibbetson

SIR HENRY SELWIN-IBBETSON replied, that the paper was bought by contract.

MR. J. W. BARCLAY asked if the contract extended over several years?

SIR HENRY SELWIN-IBBETSON said, these details did not belong to his particular Department, and he could not give the actual details of that particular contract; but there was a saving under the contract, as made by the Stationery Office, and, comparing the work done in previous years and the prices then paid with the present Estimate, there was a saving of several thousands of pounds.

SIR ANDREW LUSK repeated his question as to the decrease in the Vote under the letter J.

SIR HENRY SELWIN-IBBETSON supposed that it arose from the fact that there had been less printing required in this year, as compared with last, for the prices paid for the work were the same, although the contract was now under consideration.

Original Question put, and *agreed to*.

(7.) £19,386, to complete the sum for the Woods, Forests, &c. Office.

MR. RYLANDS said, some observations were made on this Vote about the management of Windsor Park, when it was previously before the Committee, and he now wished to ask whether the remarks then made had received consideration? Windsor Park ought certainly to be brought under public management as the far more economical way.

SIR HENRY SELWIN-IBBETSON replied, that he could only repeat what he said on the former occasion, that any alteration in the manner of managing the Park must be made by legislation. At the time when the Civil List was agreed to, this particular park was placed among the appanages of the Crown, on the condition that the revenue after the expenses had been paid should go into the Exchequer. He might remind the Committee that a great part of the expenditure on the Park was for the benefit of the public, who derived great enjoyment from its use. The real amount spent, after deducting what the maintenance of the roads, the lodges, &c., cost, was really nothing considerable. Something like £11,000 was paid for the maintenance of the roads and lodges, and £5,000 for

the lawns and grass, leaving only a very small sum for the rest of the 1,400 acres.

SIR CHARLES W. DILKE pointed out that, so far from there being any revenue from the Park, there was a deficit. Undoubtedly, any change that was made must be made by legislation, and that was why he and his Friends had not sought to call attention to the matter by Divisions; but he would urge the Government to consider whether such legislation ought not to take place. In this case they knew nothing of the expenditure. They only knew that every year there was an extraordinary deficit on Windsor Forest, which they were called upon to vote, without knowing at all how it was made up or why it arose.

Vote agreed to.

(8.) £33,684, to complete the sum for the Works and Public Buildings Office.

GENERAL SIR GEORGE BALFOUR called attention to the large increase which had taken place within the past two years in the Vote for the Office of the Chief Commissioner of Works. Of course, the charges for an Establishment of this kind might be expected to vary; but they had already swelled up to an extent far beyond what appeared to be requisite for the additional work known to have been imposed on the Department. He again had to make complaints of the confused way in which these accounts were presented to Parliament, and now they found an increase of nearly 25 per cent in one small Department, which, remembering the dissatisfaction already existing in the minds of many hon. Members, could not be expected to pass without notice. The expenditure ought to be put more clearly before the Committee, so that they could understand the reason for these increases without running into mistakes.

MR. GERARD NOEL explained that during the last few years several new Departments had been thrown on the Office of Works, such as the Inland Revenue, the Embassy and Consular Buildings abroad, and the Customs Departments.

GENERAL SIR GEORGE BALFOUR was at a loss to understand how that could increase the expenses in the Office to anything in the actual proportion that had taken place. A controlling Office like this ought to be able to take

over duties without any such augmentation, nor of the kind as now shown. These duties, of course, might have increased the Vote for Public Buildings, but not necessarily the Office expenses. Besides, he believed these charges were first imposed in 1877-8, so that there was ground for a fair comparison, as these Revenue buildings were then included in the Estimates of this Office.

MR. GERARD NOEL explained that last year the addition of the Customs Department involved the employment of a number of additional officers, and a surveyor to the Embassy and Consular Buildings had been appointed, whose salary was £1,000 a-year, besides his expenses.

Vote agreed to.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £19,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st of March 1880, for Her Majesty's Foreign and other Secret Services."

MR. RYLANDS moved the reduction of the Vote by £5,000, on the broad ground that he protested against it altogether, and wished to see it struck off the Estimates. They also had £10,000 charged on the Consolidated Fund in addition, making £25,000 voted annually for Secret Service money. The greater part of it, he believed, was spent by the Foreign Office, although a certain amount was spent by the Colonial Office. He had called attention, in former years, to the way in which this fund was misappropriated, by being applied to purposes not contemplated by Parliament at the time the money was voted. In consequence, some of the abuses which then existed had been removed; but still he was by no means prepared to admit that this fund was now expended in an entirely satisfactory manner. In fact, it was utterly impossible for the Government to justify an expenditure of £20,000 a-year on Secret Service. The sum asked was either very much too much, or very much too small. He had a very strong opinion that part of it was spent in grants to widows of Consuls. [Sir HENRY SELWIN-IBBETSON dissented.] The hon. Gentleman, he saw, shook his head; but, then, that hon. Gentleman knew no more of the expenditure than he (Mr. Rylands) did. Indeed, if the Secretary to the

Treasury would give the Committee the assurance of his word, on which they all placed the greatest reliance, that he knew all about the expenditure of this money, and that, as a public man and an officer of the Crown, he was satisfied with the expenditure, he would withdraw his Amendment. But he ventured to say that not only did the Financial Secretary not know, but the Under Secretary of State for Foreign Affairs did not know, anything about it; for, as they heard some time ago, it was only the Permanent Under Secretary who was permitted to know what became of the money. That had been proved in that House some years ago, when it was said that a certain sum of money had been spent for a certain purpose, for the then Under Secretary of State for Foreign Affairs got up and denied it. It was afterwards proved to be a true statement, and then it was discovered that the Under Secretary of State denied that it had been spent, because he had been told to deny it, and that all the time he knew nothing whatever of the matter. He (Mr. Rylands) did not think it was proper for the Committee to be asked to vote these sums without some explanation of them being given; certainly, payments to widows of Consuls had been made out of this fund, which was not right, for a Vote was already made for that purpose, and it should not be secretly increased in this way without the knowledge of the House. If, however, the money was really spent in bribing people at foreign Courts to bring information to our Ambassadors, then he could only say that it was a very contemptible method of employing the public money. For many years past, at any rate, it had not succeeded; for he did not believe there was a single instance in which the Government had obtained priority of information by this Secret Service money. It was notorious that the Government were the last persons to learn what was happening, and very often, indeed, the Government did not inform themselves of what appeared in the papers, in order that when questioned they might answer that they knew nothing about any such statements. Possibly, there might have been a time when there was some advantage gained from Secret Service money; but it now seemed to him entirely out of date.

General Sir George Balfour

Another objection he had to the Vote was that the Government were asking for more than they knew they would require. For several years past, unless he was mistaken, they had only spent about £13,000, and the balance had been returned into the Treasury. There was a great disadvantage in giving Votes for more money than might reasonably be expected to be required. The Foreign Office should not put down a sum which there was no reasonable probability would be wanted. Even, therefore, if this reduction of the Vote were assented to, the amount voted would be in excess of what had been required for the last few years.

Motion made, and Question proposed,

"That a sum not exceeding £14,100 be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Her Majesty's Foreign and other Secret Services."—(*Mr. Rylands.*)

SIR HENRY SELWIN-IBBETSON said, that, although he was amused, as he generally was on the discussion of this Vote, he could not sympathize with the ingenious attempt of his hon. Friend to extract from him information which, if given, would practically destroy the Vote. If he possessed all the information on this subject that would enable him to answer the challenge that had been made to him, he would be the last man to acknowledge that he was so, and to testify it by making certain statements to the Committee. The justification he had to offer for the Vote was the justification which had been offered by every Secretary to the Treasury who had gone before him—that these amounts were distributed to the different Departments, and that the head of the Department was responsible for the proper administration of it. Whatever might have been the practice in times past, he could renew the assurance that had been given for the last two or three years, that none of the money was now employed in supplementing the salaries of officers abroad or in this country. The hon. Gentleman would see that the amount had been slightly reduced from what it had been in previous years; and he could assure the Committee that it was his anxious wish to reduce this Vote to the lowest amount at which it could possibly be put, taking a fair average. Although he admitted the amount ex-

pected had not come up to the grant in recent years, the variation had not been such as to justify a large variation. He thought the Vote did justify the reduction he had made; and, without claiming the possession of any knowledge, and without revealing any secrets, he did think that this particular amount would be sufficient.

SIR ANDREW LUSK was altogether dissatisfied with this Vote. When he first knew it, 14 years ago, it stood at £30,000. After a great deal of talking, he and his Friends brought it down to £25,000; and now it had dropped still lower, to £23,000. Last year there was a good deal of excitement in Europe, and, he supposed, a great deal of Secret Service money was spent; and, therefore, he should like to know how it was that a still further reduction was made? They were told, too, that only £13,000 was spent; and, therefore, he did not see why the Government should ask for £23,000. By perseverance they had already considerably reduced the Vote, and he did not see why it should not come down still further.

SIR CHARLES W. DILKE pointed out, that the argument of his hon. Friend the Member for Burnley (*Mr. Rylands*) was that the money was not spent, and, therefore, ought not to be asked for. As a mere matter of scientific administration, if the full sum were never required, the Vote should be put at a lower sum. In the present state of Europe, if ever there was a year when they might have expected that all the money voted would have been required, it would have been last year; yet, even in that year, they found that the expenditure had fallen short by some £10,000. Therefore, it would be far more scientific to take a lower sum. His hon. Friend (*Mr. Rylands*) had already reduced this Vote by some £6,000 or £7,000, and on the principle on which half the fines were given to the informer, he ought to have had a present from the Government of some £3,000 or £4,000.

MR. GOLDNEY reminded the Committee that the extension of telegraphic communication made the transmission of intelligence more expensive than formerly. It would certainly be exceedingly unwise to cut down the Vote in such a manner that in a moment of pressure there might not be enough required to meet an emergency.

MR. O'CONNOR POWER said, he regarded it as a good sign that the consciences of English Members were being stirred on the question of the Secret Service money. If they were as well acquainted as he (Mr. O'Connor Power) was with Irish affairs, they would, at least, know why so large an expenditure was necessary, though they could not justify it. They frequently heard that the Irish were disloyal; but he supposed few people were aware that a portion of this Secret Service money was spent in manufacturing disloyalty in Ireland. The reason why some of the Irish Members had not called the attention of the House to the matter this year was because they had frequently done so before with such very little effect that they had almost sunk into the slough of despair. The time had arrived, however, for the beginning of hope, when they saw the consciences of English Members being awakened. There could be no doubt that this was the most objectionable Vote in the whole Estimates. Time after time explanations had been demanded of the Vote, and they had never been given by anyone who occupied the position of Secretary to the Treasury. As one who was acquainted with the employment of some of this money in Ireland, as he had seen the facts revealed in police courts in Ireland, when political prisoners were being tried, he felt it his duty to protest against the money being voted in the absence of satisfactory explanations.

Question put.

The Committee divided:—Ayes 59; Noes 155: Majority 96.—(Div. List, No. 87.)

Original Question put, and agreed to.

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £5,246, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue.

SIR ANDREW LUSK moved the reduction of the Vote by £218, being the estimate of amount contributed in Scotland for Queen's Plates. He had moved this over and over again for the

last 10 or 15 years. ["Hear, hear!"] Well, the Committee surely did not want a man to fall away as he grew older. He should have thought the House of Commons was old enough to set its face against Queen's Plates, or anything of the kind. In his opinion, they ought not to countenance such sports. The public and the people of Scotland were alive to these things, and, as a rule, did not patronize such folly. If the money had been spent to encourage the breeding of good farm-horses, he would not have had a word to say. But he was sure if the Committee could see, as he had often to see in the course of his magisterial experience, the troubles, and difficulties, and evils which came from racing, they would put their faces against any Votes of this sort. They had already the best shorthorns and the best sheep in the world without any assistance from the State. The State gave no prizes for reaping machines, and he did not see why it should offer prizes for racing. Why should they be asked to promote racing, which led to so much evil? He did manage to get the Vote done away with some years ago; but some Scotch Members were weak in the knees, and were so afraid of losing ground with their constituents that they got it restored. What was the good of a race-horse? For his part, he did not see the use of improving the breed of this kind of animal, because, after all, a race-horse was only an exaggerated greyhound. He regarded it as of no use whatever. Bringing the matter to the test of utility, what was the use of racing? He hoped hon. Members who had had experience of that gentlemanly pastime would tell him. Let them produce some tangible and good results from the spending of the money, and he might be induced to alter his opinion.

Motion made, and Question proposed,

"That a sum, not exceeding £5,028, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly on the Hereditary Revenue."—(Sir Andrew Lusk.)

SIR HENRY SELWIN-IBBETSON said, he confessed that while the con-

sistency of the hon. Baronet (Sir Andrew Lusk) was beyond doubt, the same could not be said of some of the Scotch Members. The House had had a large experience with regard to their wishes. In 1870 the Vote was omitted altogether; but in 1872 the Scotch Members, by a majority, requested that it might be again put upon the Estimates. From that time, as they had not expressed any wish to have it removed, he inferred that they were satisfied that it should be there. He was not prepared, at a moment's notice, to discuss the precise anatomical distinction between a race-horse and a greyhound, nor did he say that this particular Vote did immensely improve the breed of horses; but the object with which it was originally given was for the purpose of improving the breed of horses, encouraging the best class of horse in the country, and thus improving the breed. He would rather leave it to hon. Members for Scotland to decide whether the Vote should be continued; whether they had or had not changed the opinion which during the last few years they expressed; whether, in other words, they wished to see Scotland with a Vote for that particular purpose. He had always understood that the Vote was acceptable in Ireland, as it was in England; and he believed, in spite of what the hon. Baronet had said, that the Scotch Members generally did not desire that their country should be in an exceptional position.

Mr. J. W. BARCLAY said, he was quite ready to bear willing testimony to the desire of the hon. Baronet the Member for Finsbury (Sir Andrew Lusk) to look after the morality, not only of the people of England, but of the people of his native country; but he thought it was a pity to take up the time of the House in considering mere cheeseparing economies, and in discussing such comparatively small matters. For his (Mr. Barclay's) own part, horse-racing was rather contrary to his taste; but, nevertheless, he believed that the people of Scotland, if polled, would be found to be in favour of the granting of these Queen's Plates. He knew, at least, one Northern town in which this question decided the fate of a municipal election. The question arose as to whether the Town Council of that particular place should grant the use of the links for the purpose of horse-racing,

and those who were in favour of horse-racing carried the day by a large majority. The people liked to have a holiday. He did not say that, if the thing were to be done anew, this particular sum ought to be devoted to this particular purpose. No doubt, the money might flow into more useful channels; but, seeing that it had been devoted for a specific object, he did not think it ought to be cut off on the present occasion. Seeing, too, that a still larger portion of the public money was voted for a similar purpose to England, he thought that the hon. Baronet should endeavour to deal with the latter portion of the United Kingdom before attempting to deal with Scotland or with Ireland.

SIR GRAHAM MONTGOMERY said, the Scotch Members found, after the Vote had been removed, that their constituents were not satisfied that the Votes should be continued to Ireland. They thought, if money was voted to Ireland, that it should be voted to Scotland also. It was a very small Vote; and although he did not know that it did a great deal of good in the way of improving the breed of horses in Scotland, he was satisfied that it was a popular one, and he hoped it would be continued.

Mr. RAMSAY, who rose amid considerable interruption, said, hon. Gentlemen evidently did not wish to hear a single word against the Vote, because they were so fond of racing. The hon. Baronet the Member for Peeblesshire (Sir Graham Montgomery) spoke about improving the breed of horses; but he (Mr. Ramsay) did not know any class of Scotchmen who took any interest in the breeding of race-horses, except those who were interested in the Turf, and their number was very limited. If it had been a proposal to encourage and improve the breed of farmstead horses, such as the Clydesdale, he could have understood it; but there was no advantage to the public generally in improving the breed of race-horses. If the hon. Baronet the Member for Finsbury (Sir Andrew Lusk) went to a Division, he should support him.

Question put.

The Committee divided:—Ayes 30; Noes 107: Majority 77.—(Div. List, No. 88.)

Original Question put, and agreed to.

(11.) Motion made, and Question proposed,

"That a sum, not exceeding £10,783, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Fishery Board in Scotland, and certain Grants in Aid of Piers or Quays."

GENERAL SIR GEORGE BALFOUR called the attention of the Committee to the facts that, while Scotland had to contribute largely in the form of taxes to the construction and repair of harbours in the United Kingdom, and that while the sum of between £40,000 and £50,000 was at present being spent upon Dover Harbour alone, the amount expended on the harbours of Scotland amounted only to the miserable sum of £3,000, notwithstanding that these Scotch harbours were a source of revenue to the extent of £7,000 a-year from the tax on barrels of herrings. His object in doing so was to point out that in the distribution of funds raised by Imperial taxes on all classes of the Kingdom, in the mode in which this money was voted for harbour purposes, great favouritism was shown in respect of England and Ireland, as compared with Scotland; and what was far more objectionable was that, after all, the country had no security that any efficient harbours would be constructed at all. He intended to make use of every opportunity which presented itself to bring this subject before Her Majesty's Government, not with the view of preventing the necessary outlay of money upon harbours, so urgently needed along our coasts, especially on the Scotch North-east coast, but in order to urge upon them the necessity of ascertaining how far harbours in various parts of the Kingdom could be designed and perfected by means of investigations into the extensive failures in the past. In foreign countries harbours had been constructed on good designs, and completed in an admirable manner; but, as he had continually impressed upon the Government, many of the harbours in Scotland, as well as in England and Ireland, were utter failures. He trusted that the attention of the Chancellor of the Exchequer would be directed to this question by the Secretary to the Treasury, with a view to instituting inquiries

into the designs and construction of the most important harbours at home and abroad, as to the causes of success or failure, in the hope that the knowledge thereby collected would be useful in making this expenditure of some use to the country; otherwise, he should certainly ask that this Vote should be abolished. If it was in his power to move to increase the Vote to Scotland to £20,000, and if he knew that the engineers could design harbours likely to be useful, he would do so; but that was impossible. The Rules of the House prevented the Motion of increase, and the failures in harbour works in the past satisfied him that any further expenditure would be throwing good money after bad; and he must, therefore, remain content with raising his voice against expending money to no useful purpose.

MR. MARK STEWART asked if in the charges for the Salmon Fisheries Commission the Solway salmon fishing was included, or did that merely refer to sea fisheries?

MR. O'DONNELL said, that on the last occasion, when he had the opportunity, he supported the claims of Scotland; and though he rose on the present occasion to move a reduction in this Vote, he was by no means really hostile to the expenditure of the money mentioned under this head. However, following the example of the Scotch Members who the other day moved the reduction of the English Vote under the Poor Law Estimate, because there was not enough on the same head laid out in Scotland, he begged to move the reduction of the Vote by £5,000, inasmuch as if Ireland was being dealt with justly, Scotland was being dealt with at a most extravagant rate. The fact was, that on this Vote he wished to draw attention to the manner in which the Scotch fisheries were subsidized, and their competition with the Irish fisheries facilitated unfairly, by means of the public money. There was no doubt that the reason why this very much larger sum was demanded for Scotland was that the fisheries in that country were still an especial care of the Government; while, in Ireland, the fisheries were scandalously neglected. The result of that was that in all the markets of the world the fisheries of Scotland were able, thus subsidized and protected by the Government, to beat

the Irish fisheries. Without going to the length of Protectionism, he believed that all the fisheries of the country ought, as far as possible, to be the object of especial care on the part of the Government; and had there been anything like a fair distribution of this care between Scotland and Ireland, he would have been the very last to say a word against the assistance given to the Scotch fisheries, because he believed that the development of the fisheries in Ireland and Scotland, so far as it could be aided by inspection and judicious direction, was an object eminently worthy of the fostering care of Parliament. As had been said by the hon. and learned Member for Louth (Mr. Sullivan) on a previous occasion—

“A great naval Empire ought to seek to foster the fisheries about its coasts, because a race of hardy fishermen would be amongst the best recruits for the Naval Service.”

But, besides that, the disparagement of the Irish fisheries deprived the country of a source of wealth. Not many years ago 120,000 people found a livelihood in the fisheries of Ireland. But the trade had since suffered terribly, and the Government continued steadily advancing money to its Scotch rivals and competitors, whom they directly subsidized by supplying the cost of branding, as well as the machinery necessary for that purpose, although the trade had developed to such an extent that the expenses of branding could now be paid out of the fees charged to the fishermen. Why was not a sufficiently large sum voted to provide branding establishments in Ireland? He had no doubt whatever, that if that were granted, the same results would follow in Ireland as in Scotland, and that the expense would be fully borne by the fees paid by Irish fishermen and persons engaged in the fishing trade. It was useless to say that this Vote did not give a direct and unfair advantage to one set of fishermen over another; for it was very well known that in the markets of the Continent—where there was a great prejudice in favour of Governmentalism, and where our *laissez faire* system was not understood—if two barrels of herrings, one Scotch and the other Irish, were for sale, nine out of ten buyers would choose the former, because it had upon it a Government brand, notwithstanding that the herrings in the other might be of as

good quality. If branding was necessary in Scotland, it was also necessary in Ireland; and he thought that the Scotch Members should, therefore, give some pledge that they would aid the Irish in their endeavour to obtain a system similar to their own. His Motion for the reduction of the Vote was only technical, and intended to raise this point in a manner by no means hostile to the people of Scotland. So far from the latter being the case, he believed the money was well laid out, and contended only that the same system should be extended to Ireland. Not only ought Scotchmen, but Englishmen, to have an interest in promoting the welfare of the Irish fishermen, who had never been accused of giving any trouble by their political proclivities. No trade in Ireland had suffered more terribly than the fishing trade; still, he believed that no trade could be more easily resuscitated if proper care were bestowed upon it; and with that view, he trusted that the Committee would give some indication of their opinions and put a little gentle pressure upon the Government. In order to bring about the desired improvement, he would move the reduction of the Vote by the sum of £5,000.

Motion made, and Question proposed,

“That a sum, not exceeding £5,783, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Fishery Board in Scotland and certain Grants in Aid of Piers or Quays.”—*(Mr. O'Donnell.)*

LORD ELCHO said, there was no doubt that immense benefit had been derived in Scotland from the grant of £3,000 for quays and harbours, and he agreed with the hon. and gallant Member for Kincardineshire (Sir George Balfour) in thinking that it would be better that a larger sum should be granted for those purposes. Many persons in Scotland were anxious to have harbours of their own; there was, however, great difficulty in their getting loans for that purpose, and he thought it would be good policy on the part of Her Majesty's Government to increase the present grant. But his object in rising was to point out the present condition of the harbour of Dunbar in his own county. There were, in fact, two harbours at Dunbar—one

formed by the old sea wall, the other a new and well-constructed work, joined to it at an expense, he believed, of £50,000 or £60,000. Now, the storms of this and the previous year had knocked great holes in the walls of both the old and the new harbours, and rendered the place utterly worthless for the security of the 600 or 1,000 boats which, when the season came on, were sometimes to be seen there. According to the statement of the engineer, the harbour could only be entered in calms and with a steady sea. He (Lord Elcho) understood that but a small sum was necessary to place it in a state of repair; and he, therefore, thought it would be wise to restore it before it got into a worse condition. If, as he was informed, £2,000 or £3,000 would be sufficient for this purpose, he believed the Government would be showing wise economy in spending that sum of money, and he looked with satisfaction upon the fact that the engineer of the Fishery Board had been ordered to report upon the state of the harbour as an indication that the Government would not allow that, to his mind, well-built structure, which, as he had said, had cost the country already £50,000 or £60,000, to crumble away.

MR. RAMSAY agreed that the case of the harbour of Dunbar, described by the noble Lord the Member for Haddingtonshire (Lord Elcho), was one that ought to be specially considered. His object, however, in rising was to point out that the hon. Member for Dungarvan (Mr. O'Donnell) was, to some extent, under a misapprehension in using the term "subsidy" with reference to this particular Vote. The sum of £5,000, by which he wished the Vote to be reduced, was more than the sum asked to be voted, so far as the Treasury was concerned, the receipts for branding, of which the hon. Member complained, being £7,610, as against £5,430, the amount of the grant; so that the branding, instead of being a cost to the country, was actually a source of profit. When, therefore, matters arrived at that promising state in Ireland, the Government would have no difficulty in appointing persons to brand herrings there in the same way as in Scotland. He believed, however, the hon. Member would find that the larger fish-curers in Scotland were not so much

in favour of the system of branding as had been supposed. If the grant were really in the nature of a subsidy, he thought that the Scotch Members would be quite willing that it should be withdrawn; but it was not so, and it was simply an old custom which had grown up, which those who were engaged in the trade to a small extent desired to have perpetuated, because at a distant period it had given and was supposed yet would give them an advantage in foreign markets, where the brand was regarded as a trademark and as a guarantee of quality, and therefore enabled them to sell their goods to better advantage. With regard to the unequal distribution of the grants of various kinds which appeared in the Estimates, he would suggest that the hon. Baronet the Secretary to the Treasury (Sir Henry Selwin-Ibbetson) should instruct one of the clerks at the Treasury to make out a list of the sums voted from the Treasury for local purposes in each of the three Kingdoms. If that was done, he believed it would be found that the amounts voted for Scotland were not at all equal in proportion to the amounts expended in Ireland and England, whether viewed with reference to the population or taxation in the respective countries. The hon. Gentleman must be aware that the people of Scotland, collectively, paid a greater sum into the Treasury than the people of Ireland, and if the plan he had suggested were adopted of furnishing the details of the distribution of the grants, it would be seen that the people of Scotland had just cause of complaint that they were treated differently from the inhabitants of the other portions of the Kingdom.

SIR ALEXANDER GORDON said, the argument used by the noble Lord the Member for Haddingtonshire (Lord Elcho) in urging the Government to vote more money for Dunbar was the most remarkable he had ever heard. The sum of £3,000 annually was not put into the Estimates by the Government of their own accord; but it was under the provisions of a very old Act of Parliament, and the money was intended to be applied to the repair of harbours throughout Scotland. The noble Lord told them that Dunbar had already received no less than £50,000 or £60,000 out of that annual grant,

Lord Elcho

LORD ELCHO observed, that he had said nothing of the kind. The money spent in the construction of the new harbour at Dunbar had nothing to do with the £3,000 annual grant.

SIR ALEXANDER GORDON replied that it came to much the same thing, as it was all public money; and because £50,000 had been granted for the local benefit of Dunbar, that scarcely justified them in asking for more. He (Sir Alexander Gordon) lived on a part of the coast very much exposed to the North Sea, and thickly populated by fishermen. In the North, they built harbours with their own money, and did not come to the Government for assistance. The noble Lord would, in his (Sir Alexander Gordon's) opinion, act wisely in encouraging the people of Dunbar to do the same. If the local proprietors came forward as liberally in the South of Scotland, the noble Lord would find that Dunbar harbour would soon be repaired. In regard to the branding question, if the fishermen of the West Coast of Ireland showed the same energy as the people in the North of Scotland, they would soon establish their fishing, and then the Government grant would come to them, instead of, as at present, the fishing coming to the Government.

SIR HENRY SELWIN-IBBETSON said, he trusted the different parts of the United Kingdom would not be brought into rivalry with each other as to their share of the public grants, but that each case as it arose would be dealt with in accordance with the necessity of the case. It would be a very unfortunate state of things if they were obliged to measure out so many pounds or half-crowns to Scotland when she did not want them, merely because so much money had been voted to England or Ireland. With regard to the proper investment of money in harbour works, he believed that the investigation suggested by the hon. and gallant Gentleman the Member for Kincardineshire (Sir George Balfour) might be very usefully and properly carried out; but this particular expenditure of £3,000 was incurred under an old Act of Parliament as mentioned by the hon. and gallant Member for Aberdeenshire (Sir Alexander Gordon), and was renewed annually, for the purpose of repairing the harbours in Scotland. It was intended

to apply a portion of this amount to the harbour of Burnmouth, a place where £2,000 had already been raised by the local authorities for that purpose, and in such a case as that, where the people of the locality desired to improve their harbour and came forward with a considerable portion of the money required, he thought the grant might very properly be made. The money was sometimes given to one part of Scotland and sometimes to another. As to Dunbar, he agreed with the noble Lord the Member for Haddingtonshire (Lord Elcho), that when so large a sum of public money had been spent on that harbour, it would be false economy to let it go to ruin for the want of £2,000 or £3,000; therefore, since the matter had fallen under his notice, he had directed a Report to be drawn up with a view to ascertain in what way the necessary repairs could be met. With regard to the question raised by the hon. Member for Dungarvan (Mr. O'Donnell) relating to branding, which was really the subject of the discussion, he would point out that the sum expended in branding was far more than covered by the amount received in fees under that system. He should like the Committee, also, to remember that it was not in every case that that system would meet with favour, supposing it were applied, because, as had often been pointed out, it was only in the case of the small fish-curers that it was supposed to be of great assistance, and it was on that account alone that he thought the Scotch Members and the Scotch people generally would regret to see the branding done away with. He was glad that the hon. Member for Dungarvan had drawn attention to the discussion of last year, because it gave him (Sir Henry Selwin-Ibbetson) an opportunity of pointing out that the hon. and gallant Member for Galway (Major Nolan) had, on that occasion, deprecated the taking from Scotland of a Vote simply because another part of the Kingdom did not get it. He hoped, therefore, the Committee would agree to the continuance of the Vote, in the belief that it was acceptable to the people of Scotland, and that it really did some good. He would venture to suggest, with regard to the sum of £3,000 expended on piers and harbours, that although it was small, it might still be very serviceable; and wherever it was shown

that local effort in Scotland was really being brought to bear upon a harbour with a view to its improvement, the Treasury would be prepared fairly to consider the question whether grants in aid of such efforts could not be made independently of this particular grant.

MR. WHITWELL hoped the Amendment of the hon. Member for Dungarvan (Mr. O'Donnell) would not be pressed, because the amount of the grant was exceeded by the credit received for fees. There could not be a better appropriation of public money than that which went to promote large industries, such as were dealt with by the Vote. For that reason, he did not think the Committee should examine too closely whether the advantage gained was equal to the expenditure. With regard to the administration of the Fishery Board, he was compelled to offer some criticism upon that subject, because he found that, at present, considerable sums of money were given to the captains of Her Majesty's ships for doing what he considered to be no more than their duty. The right hon. Gentleman the First Lord of the Admiralty, when Secretary to the Treasury, had listened to what was stated with reference to this, and he (Mr. Whitwell) had trusted that when he became Administrator of Naval Affairs, he would enable the Vote to be so far economized, that the allowance to the officers of Her Majesty's ships should cease. It would be observed that the captain of the *Jackal* received £100, and the captain of another of our gunboats £50, in addition to their pay. He could not understand why officers, who were only doing their duty, should receive additional payment. If they were not sufficiently paid for their services in the Navy, they ought to be paid out of the Admiralty Department, and not become a charge upon the Fishery Board. Again, he was aware that they had on duty a cutter which cost £2,480 a-year, which was specially charged upon the Service, for the protection of the fisheries against French and other intrusion; but the employment of vessels for that purpose seemed to him to be fairly chargeable upon the Admiralty Department. If this Fishery Board was to be an effective Board, it must be efficient; but was that the case? He found that the secretary and six or seven clerks divided their services be-

tween the Fishery Board and the National Board of Manufactures. He had never heard of such a system as that, under which the officials received half of their salaries from one branch of the Service and the rest from another. It would surely be better that the gentlemen employed should devote the whole of their attention to the fisheries. The system appeared, for the reasons he had given, to require re-consideration.

MR. O'SHAUGHNESSY did not know that he would suggest to the hon. Member for Dungarvan (Mr. O'Donnell) that he should divide the Committee. He had, however, done wisely in calling attention to the subject of branding in Scotland, although in his (Mr. O'Shaughnessy's) opinion, the manner in which it had been done would sufficiently impress the House with the necessity of adopting a similar measure with regard to the Irish fisheries. But the House would find before long, when the Irish Party was, as it very soon would be, strengthened, that this and kindred matters would be brought forward affirmatively, and not in an incidental manner. It was not denied by any of the Scotch Members present that the system of branding had done an immense deal of good to the Scotch fish trade; indeed, according to the expression of many of them, he gathered that it had, to a great extent, created that trade. It had, at least, done a great deal to augment and create the foreign fish trade of Scotland, and probably many of the large houses which had reached their present position by means of that system now thought very little about it. But there were small houses, which the system would help to attain a good position, and whose goods were tested by their enjoying a Government brand. It was the very thing for a fishing community, whose interests were small, and where it was desirable to enlarge them. The system was perfectly adapted to enable the small fisheries in Ireland to realize the position obtained by the Scotch by reason of this Government Vote. From the statements of the Scotch Members, it was evident that the small fisheries had achieved their present position largely by the possession of this Government test of the quality of their goods. For these reasons, he thought that similar advantages ought to be obtained for Ireland. Hon. Members had

been told that this outlay was repaid from the fees; but that had not always been the case. In the same manner, the progress made in Ireland towards recouping the cost of branding would be at first gradual. Under these circumstances, while he suggested to his hon. Friend not to insist upon a division, he would be happy to support him when the matter came affirmatively before the House.

LORD ELCHO, as a member both of the Fishery Board and the Board of Manufactures, wished to bear his testimony to the thorough efficiency of the work done by the staff of the two Departments. He wished also to say a word with reference to what the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) had said as to the fishermen of that part of the country which he (Lord Elcho) had the honour to represent not being men of energy and enterprize, when contrasting the fishermen of the North with the fishermen of the South. [SIR ALEXANDER GORDON: I spoke of the proprietors.] He wished to state as regarded the harbour which his hon. and gallant Friend fell foul of, the harbour of Dunbar, that it was treated exceptionally, being dealt with by a special grant, and he was glad to have heard the Secretary to the Treasury express the opinion that it would be a false economy to allow that harbour, after the money which had been expended upon it, to crumble away. But as regarded the proprietors, or fishermen, or whatever the hon. and gallant Member choose to call them—[SIR ALEXANDER GORDON: Proprietors.]—he desired to state what had recently been done in regard to that matter at the small fishing village of Cockenzie, near Prestonpans; the fishermen had, for a considerable time, subscribed 6d. per boat, and had collected from £1,500 to £2,000. It was true that they had been aided by the proprietors on that coast; but the result was that without coming to the public for money, a harbour was being constructed by the engineers to the Board. On the other hand, the people of Burnmouth, Wick, and other places, would have liked to receive an advance from Government, but the answer given was, that so much money had been spent of late in the South of Scotland, that the next grant must go to the North.

MR. J. W. BARCLAY asked the hon. Gentleman the Secretary to the Treasury, or the right hon. and learned Lord Advocate, to explain what the Fishery Board did. Perhaps the right hon. and learned Lord would tell them how many meetings of the Board he had attended, and what was the nature of the business that had been transacted by them during the last 12 months? The Board, so far as he (Mr. J. W. Barclay) could understand, simply existed in the secretary and other officials. With respect to the question of branding, instead of being any advantage, he believed that for many years past it had only the effect of keeping down the quality and character of the herrings cured on the East Coast of Scotland, and he was sure that the sooner it was abolished the better it would be for the herring fishing in Scotland. He had no doubt, also, that this grant of £3,000 ought to be withdrawn, because, so far as they could learn, it had been productive of very little good in the construction of harbours in Scotland, and the money had been practically thrown away. It would be very desirable if the right hon. Gentleman the First Lord of the Admiralty would inform the Committee what were the duties which the Admiralty cruisers had to discharge. It was popularly understood that the sum given out of this Vote to the masters of those vessels was paid to them for the purpose of encouraging them to assist fishing-boats when in distress, and in the recovery of their nets after a storm. He was led to understand that the masters of these vessels had been applied to for assistance for the latter purpose and had declined to give it, on the ground that it formed no part of their duties. He should like to know what were the orders and instructions which were given to the commanders of the Admiralty vessels with respect to giving assistance to the fishermen?

SIR HENRY SELWIN-IBBETSON said, the duties of the Fishery Board might be defined in this way. They had to look after the branding of the herrings, to superintend the building of fishery harbours, to look after the marine police, the registration and numbering of the fishing boats, and the collection of marine statistics. The hon. Member for Forfarshire (Mr. J. W. Barclay) had really added to the Question asked by the

hon. Member for Kendal (Mr. Whitwell) with regard to the duties of the Government vessels and the salaries of their officers. Practically, these vessels were the police of the sea, and they were sent to the coasts of Scotland to protect the fishing vessels, and to keep order between the vessels of different nationalities. It was true that the captain of the *Jackal* received £100, in addition to his naval pay; but the hon. Member for Kendal would see that the onerous duties cast upon these officers made it desirable that some such addition should be made to their salaries. With regard to the Question which had been referred to by hon. Members respecting the harbour of Dunbar, he was endeavouring to obtain an accurate Report upon the damage done, in order that the case might be gone into in a scientific manner. Nothing had been decided as to what part of the money required for repairs should be advanced by the Treasury, or as to whether the people of Dunbar should be called upon to pay any sum towards the amount which might be found necessary for that purpose. The money could not come out of the £3,000 for the present year.

MR. RAMSAY said, with reference to the suggestion which he had thrown out for the consideration of the Secretary to the Treasury, it was to be regretted that the hon. Gentleman merely rose to deprecate the introduction of any comparisons that might be made by hon. Members between the respective parts of the Kingdom in the discussion of any particular Vote. He (Mr. Ramsay) agreed with the hon. Gentleman that it might be expedient that each particular Vote should be discussed on its own merits, without any reference to the assistance rendered in various parts of the Kingdom, and he believed this could be done if the Committee had accurate information as to the sums voted respectively for different parts of the Kingdom. But they had no such information, and the consequence was that there existed a diversity of opinion upon the subject between the Scotch and Irish Members. Scotch Members contended that England and Ireland got a larger amount from the Imperial Treasury for local purposes than was voted for Scotland either in proportion to the population or the amount of taxation, and that, he believed, could be demonstrated by the

Return which he had suggested should be prepared by the Treasury. They found it to be the case systematically, not in one but in every instance, that the people of Scotland received less for any particular purpose than the people of England or Ireland. And he reminded the Secretary to the Treasury that so long as the Government continued to ignore the right of the people of Scotland to be placed on an equality with England and Ireland in respect of these grants, so long would the hon. Baronet have these disagreeable discussions raised in Committee of Supply.

MR. ORR-EWING thought that hon. Members ought to be satisfied with the discussion that had taken place. He did not think that the remarks of the hon. Member for the Falkirk Burghs (Mr. Ramsay) were likely to tend to economy in the Public Expenditure. If they were going to maintain that because England was getting more than she ought, Scotland should be served in the same way, it would tend very much to extravagance.

SIR JAMES ELPHINSTONE said, he was well acquainted with most of the harbours in Scotland, and could bear testimony to the value of the services of the masters of the cruisers, who were necessarily men of great ability, because they had to maintain what might be called the police of those fisheries. It must be borne in mind that there were something like 2,500 boats which fished within a space of 40 miles by 30 miles off the coast of Aberdeenshire, and they took out of that space more than the land-rental of the whole of that country; and from this it would be seen that the duties of the officers on board the cruisers employed there were of a very onerous kind. He would not have occupied the attention of the Committee had not the name of the *Vigilant* been referred to, for he held in his hand a note received that afternoon which had filled him with sincere sorrow. The letter told him of the death of the captain of that vessel (Captain Samuel Macdonald), who died suddenly off the coast of Sutherlandshire on Saturday, the 10th of May. He thought it his duty to mention this, inasmuch as that officer had been 40 years in the service; and he had been with him sometimes a month at a time, because he (Sir James Elphinstone) made it his duty, if possible, to see the

Sir Henry Selwin-Ibbetson

harbours in all weathers. He (Sir James Elphinstone) deplored the death of this officer, who was one of the most intelligent men he had ever had the pleasure of knowing, and his object in addressing the Committee at that moment was to offer to his family some words of condolence.

GENERAL SIR GEORGE BALFOUR again complained that while between £40,000 and £50,000 was expended on Dover Harbour, and also large sums were given for Irish harbours, the miserable sum of £3,000 was all that was given for Scotch harbours. Moreover, there was no security that when the money was laid out they would have any harbours at all. He knew sufficient of harbours to say that the harbours in Scotland were constructed under the general control of the Fishery Board, composed of gentlemen mostly incapable men. The plans or designs of these harbours were most imperfect, owing to the want of experience. Altogether £10,000,000 of public money had been expended on harbours in the United Kingdom. There was not more than one million's worth of good harbours for that sum. He had reported to the Treasury in 1877 the state of Dunbar Harbour. No notice, otherwise than a mere acknowledgment, had been taken of his statements, either with regard to Anstruther or Dunbar. He maintained that the building and repair of these harbours had been greatly paid for out of misappropriated money. Grants of public money, and loans by the Public Works Commissioners, had been made under the idea of the plans being sufficient for providing good harbours, or on the notion of securities existing which had proved illusory. He warned the Secretary to the Treasury not to get into a mess with Dunbar Harbour. The repairs would involve a considerable outlay, and when completed would fail to make the place ever suitable for boats. He urged him not to allow the engineer of the Fishery Board to meddle with the harbours of that country. The Scotch Fishery Board was composed really of two Boards—the Fishery Board and the Board of Manufactures. The Board as composed might be fit for manufactures, but not qualified for directing or controlling the construction of harbours. He was glad to hear from the hon. Gentleman the Secretary to the Treasury that only a small sum would

be allotted to the repairs of Dunbar Harbour; and even if any money was to be spent for the purpose, he trusted the permission of Parliament would first be asked to sanction the expenditure in a regular manner. Moreover, even the small sum of money spent in Scotland was spent in a very loose manner, much more being spent in the South than in the North. The Fishery Board was guilty of great favouritism, and the expenditure of the many thousands on such a harbour as that of Dunbar was an instance of it.

MR. SULLIVAN said, that nearly every year a discussion was raised with the object of securing to Ireland similar advantages to those enjoyed by Scotland in the matter of fisheries. Irish Members were extremely sorry to have to object to the expenditure of this money in Scotland; but that was the only form in which the Rules of the House allowed them to raise their claims. It was, apparently, a very ungracious thing to object to the expenditure on Scotch fisheries, while asking for a like expenditure in Ireland; but there was no alternative for them but to move to reduce the Vote for Scotland, in order to obtain a similar grant for Ireland. He trusted, therefore, that hon. Members from Scotland would understand that their objections to the expenditure of the money in Scotland was only apparent, and not real, and that all they desired was to have advantages in Ireland similar to what were enjoyed in Scotland. What was it they heard every year from their Friends North of the Tweed? Instead of throwing any impediment in the way of Ireland, all they said was that now Scotland could afford to do without the grant. No doubt, they now despised the grant; but there was a time when they did not despise it. They had it stated by the hon. and gallant Gentleman who had just sat down (Sir George Balfour), that no sooner was the grant established than the fisheries of Scotland sprang into prosperity.

GENERAL SIR GEORGE BALFOUR observed, that at one time the Government paid persons to get the barrels branded; he believed the sum of 4*d.* per barrel was thus paid, entailing a considerable outlay on the Exchequer. Afterwards, by the advice of a Committee, the allowance from Government for permission to apply this brand was abolished; but it was subsequently

re-established, but was then paid for by the persons using it. About £7,000 was now paid into the Exchequer for the use of this brand, and during the time this payment had continued, the Government had received, on the whole, nearly £80,000.

MR. SULLIVAN thanked the hon. and gallant Gentleman for throwing further light on the matter. According to his statement, no sooner was the brand restored than the traders found it worth their while to pay for the use of it. That they had been so ready to avail themselves of the brand, and had paid so many thousands into the Imperial Exchequer on account of it, was a proof that it was of great use to them. The people of Scotland would not pay for the use of the brand unless it were of advantage to them, and all that was now asked on behalf of Ireland was that that country might have a similar chance of paying for a Government brand. Let no one tell him that the brand was of no advantage in trade, for so long as the people of Scotland, who were not deficient in shrewdness, paid for it, it was clear that it was found an advantage in trade. In the South of Ireland there was a considerable trade in butter; there was a Government brand on Cork butter, and butter bearing the brand, whether it came from Cork or not, always fetched the highest price, because of the reputation of the Cork brand. In any market in the world, the butter with the Cork brand fetched the highest price, and although some butter might be put in casks without the brand, yet it would not fetch anything like the same price. Therefore, they felt it would be of use if they were allowed to use a brand for fish. They were willing to pay for the use of that brand, and would again and again ask for its establishment. At the same time, he would assure the people of Scotland that they did not want to take from them the brand they used, but simply desired the Government to establish for the Irish fisheries a similar brand to what was used in Scotland. The expense of setting up that brand would be amply recouped to the Exchequer by the payments of the Irish fishermen, in like manner as the Scotch fishermen now paid for the use of their brand. £100,000 had been lent from the Public Exchequer for Dunbar harbour, in Scotland; they did not complain of that, and they

had no desire to object to any just expenditure in Scotland. At the same time, they thought that Ireland was entitled to money from the Imperial Exchequer for similar purposes. With respect to the severe complaints of Scotch Members about the Scotch Fishery Board, he begged that the House would not take them too seriously. The Fishery Board had many valuable functions to perform, whether in Ireland or in Scotland, and if it were abolished people would then begin to discover what advantages they enjoyed by missing them. The traders in the streets of London required the occasional interference of the police in order to sell their wares securely, and what the police were to the traders in the streets of London the Fishery Board was to those engaged upon the sea. With respect to the Scotch Fishery Vote now before the Committee, if his memory served him rightly, the Scotch river fisheries were not provided for by that Vote; whereas the Irish river fisheries were included in the Vote for the Irish Fishery Board. He thought that fact would explain an apparent disproportion between the Votes. Again, on behalf of his own constituents, and as one of the Members for Ireland, he re-iterated for the fifth Session, the request of the Irish people to be allowed, for the protection of their industries, to have the use of a brand like that to which the fisheries in Scotland owed their prosperity.

SIR ALEXANDER GORDON rose to correct a misapprehension of the hon. and learned Member for Louth (Mr. Sullivan) to the effect that the brand was used by all the Scotch fisheries. The hon. and learned Member probably did not know that the brand was only used on the East Coasts of Scotland, and that on the West Coasts it was of no use whatever. The herrings on the West Coasts were bred in warmer water, and were of a soft, oily character, which rendered them unsuitable for the foreign market. The brand was of use only for the foreign trade, and there was, therefore, no object in branding the herrings on the Western Coasts. The Irish herrings were of the same character as those upon the West Coasts of Scotland, and were quite unsuitable for the foreign market. Therefore, for the herring fisheries of Ireland there would be no use in a brand, the brand only

General Sir George Balfour

being of use for fish sent to foreign markets. A very large herring fishery was carried on on the West Coast of Scotland, but the brand was not used there at all. He would also like to make a remark with regard to the expenditure of the officers employed by the Fishery Board, as objection had been made to an allowance of £100 or £50 to the officers employed in the service of the Fishery Board. He might say that those gentlemen were put to very great expense in travelling about and living on the coasts. The hon. and gallant Baronet the Member for Portsmouth (Sir James Elphinstone) had referred in very appropriate terms to the death of Captain Macdonald. He thought if the hon. Member who had objected to this allowance had known that officer, he would not have proposed its reduction. Captain Macdonald had rendered most useful services to the fishermen, and had saved several lives by his gallant conduct. He hoped the Committee would not object to the small allowance of £100 or £50 for the miscellaneous expenses of the Naval officers in the service of the Board.

SIR ANDREW LUSK said, he was struck by the remark of the hon. and gallant Baronet opposite (Sir James Elphinstone), that a greater amount of money was taken out of a given part of the sea than was taken out of the same area of land. That was a fact of great importance. He approved of the Vote as it stood. He thought that the Government might very well pay a little more attention than they had hitherto done to the fisheries of the country. The interests of the country were by no means all upon the land, as was very often assumed; and he did not think that sufficient attention was given to matters connected with the fisheries. He would be very glad indeed if their Irish Friends would give them something to brand, for he did think that now food was so very scarce, everything should be done to encourage fishing, which supplied so very valuable an article of food. He was told by those who understood the matter that a great deal more might be done in fishing than now took place. Our agriculturists were being pushed by the Americans; but, on the other hand, this country did not push the Americans enough in the matter of fishing. In

Kent, at the present time, we branded hops; that was very fair. Public money was advanced for drainage and other works, and money was given for harbours, and laws were made for the protection of cattle; but he was strongly of opinion that something more should be done to encourage fishing round the coasts of this country. One reason why he said so was, because he found the secretary of the Scotch Fishery Board disposing of half of his time as an official of another Board. A man could not serve two masters, or, at all events, he could not work well in such a position. Perhaps fishing was a fine art in Scotland, and, therefore, the secretary and one of the clerks received half of their pay from the Fine Art Gallery of Scotland. He thought that the secretary of a Board charged with so important a matter as looking after the Fisheries should not have half of his time occupied in Edinburgh by attending to matters even so useful as the Fine Arts.

Question put, and *negatived*.

Original Question put, and *agreed to*.

(12.) £4,621, to complete the sum for the Lunacy Commission, Scotland.

(13.) £5,409, to complete the sum for the Registrar General's Office, Scotland.

GENERAL SIR GEORGE BALFOUR said, that he had asked the right hon. and learned Lord Advocate why the annual Report of the Registrar General of Births, Deaths, and Marriages for Scotland had not yet been presented? The Report of the Registrar General for England was already before the House; but in Scotland the Report was in arrears, as was usually the case, and he had had frequent occasion to make complaints of the slowness with which that Department acted. With regard to the Irish Report, he had received an answer from the right hon. and learned Attorney General for Ireland as to when that Report might be expected, and he trusted that the right hon. and learned Lord Advocate would now be able to give the Committee some information as to when the Report of the Registrar General for Scotland would be in the hands of hon. Members.

THE LORD ADVOCATE (Mr. WATSON) replied, that the hon. and gallant

Member opposite (Sir George Balfour) was under a misapprehension in saying that any Question had ever been addressed to him upon the subject. Neither had he ever had Notice of any such Question.

GENERAL SIR GEORGE BALFOUR said, that he did not give Notice to the right hon. and learned Gentleman, as he had communicated with the right hon. Gentleman at the head of the Local Government Board (Mr. Sclater-Booth), who had referred him (Sir George Balfour) to the Lord Advocate. The Lord Advocate, not being present when that was said, did not answer the Question; but the right hon. and learned Attorney General for Ireland had courteously answered him with respect to that country. He expected that the right hon. and learned Lord Advocate, being informed of the matter, would subsequently have given him the information, but he had not done so. If he had omitted any form in his application for the information, he might say that it was contrary to his intention. He now begged to ask the Lord Advocate for the desired information.

THE LORD ADVOCATE (Mr. WATSON) said, that not being the head of the Local Government Board, the Question put to him did not come under his observation. He understood the hon. and gallant Member to say that if he (the Lord Advocate) had been in his place, he would have given him Notice, but that he had not done so since. He could not answer the Question, nor could he admit that the Report was in arrear. He understood that the Report of the Registrar General was circulated at the end of April in each year, and he had no reason whatever to doubt that such had also been the case in the present year.

GENERAL SIR GEORGE BALFOUR said, that the President of the Local Government Board had referred the Question to the Lord Advocate, and he assumed that that would be sufficient, without any further Questions being put. If he had not thought so, he would have been in his place to put the Question. He now begged to ask the Question of the Lord Advocate.

THE LORD ADVOCATE (Mr. WATSON) said, he was not in a position to give any further answer to the Question of the hon. and gallant Member.

The Lord Advocate

MR. WHITWELL wished to draw attention to the fact that the expenditure on the travelling expenses of the Office of the Registrar General in Scotland amounted to £1,200, while the salaries were only £5,389. Perhaps the hon. Gentleman the Secretary for the Treasury (Sir Henry Selwin-Ibbetson) would give some explanation of this, for although he was not one that judged of the work done by the remuneration, yet he thought the expenses for travelling in Scotland were very excessive. In England, the travelling expenses only amounted to £970, although there was so much more to do there. He also noticed that the Secretary to the Office received the bulk of his allowance for duties of inspection. He should like to know what duties of inspection those were, and whether the amount received by the Secretary was in excess of his salary?

SIR HENRY SELWIN-IBBETSON was quite aware that the expenditure in travelling allowances in Scotland was much larger than in England. The necessity for that arose from the system of district examination in Scotland, which was peculiar to that country. The district Inspectors in Scotland had large districts to travel over, and that was the reason for the allowances made to them.

Vote agreed to.

(14.) Motion made, and Question proposed,

“That a sum, not exceeding £15,523, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Board of Supervision for Relief of the Poor, and for Expenses under the Public Health and Vaccination Acts, including certain Grants in Aid of Local Taxation in Scotland.”

MR. J. W. BARCLAY moved to reduce the Vote by £2,200, principally for the purpose of calling attention to the great increase of expense in the management of the poor in the last few years. Between 1869 and 1878 the cost of management had risen by £23,000, and he was strongly of opinion that this great additional expense was due to the interference of the Board of Supervision in local management. What had that Board done during the last year? They dismissed one Inspector. They had censured two governors of poor houses, and

had dismissed one, and had censured one medical officer. That seemed to be the work they had done. The chairman of the Board of Supervision received £1,200. When three members attended it, it was called a Board, when only two it was called a committee. Practically the management rested in the hands of one gentleman, who controlled those who were well able to manage their own affairs without any interference at all. He found that in one case the Board censured the Guardians because on a particular occasion they gave the paupers a cup of tea instead of porridge. When they could attend to such matters, it showed that they had little to do. It was thought they would see that the poor were not unduly pressed upon by the Guardians. But that was an entire mistake. They urged the application of the poorhouse test, knowing there were many people who would rather die than go to the workhouse. In that way they sought to reduce the rates. It was, he believed, intended still further to increase the burdens by passing a Bill appointing Auditors for the parishes in Scotland. He believed that the interference of the Board of Supervision prevented many gentlemen from acting on parochial boards, because they did not like their interference. Originally, the Board was instituted with the idea that it would look after the poor, and stand between them and the local boards; but there was no necessity for anything of the kind, and the fact was in the result the Board of Supervision had not fulfilled its original intention. It put pressure on the local boards, and, as he had said, urged them in their treatment of the poor to apply the poorhouse test. There were many people in Scotland who would rather die than go to the poorhouse, and no doubt, therefore, the system of the Board was an economical one. The result of the action of the Board of Supervision was an economy in the poor-rates of £26,000, but the whole of that amount was swallowed up in the increased charges of management.

Motion made, and Question proposed,

"That a sum, not exceeding £13,323, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Board of Supervision for Relief of the Poor, and for expenses under the

Public Health and Vaccination Acts, including certain grants in Aid of Local Taxation in Scotland."—(Mr. J. W. Barclay.)

MR. ORR-EWING said, he was surprised that the hon. Member opposite (Mr. J. W. Barclay) should have referred to the Board of Supervision in the strain he did. He should have thought that any one acquainted with Scotland would have known the necessity that existed for the Board of Supervision to control the parochial boards throughout the country. He believed, having served upon several local boards, that as between the ratepayers, the parochial boards, and the Inspectors, the functions of the Board of Supervision were most useful. He denied altogether that the Board of Supervision concerned itself in the introduction of Bills into that House. The Bill which the hon. Member had referred to was promoted by Her Majesty's Government, and was almost unanimously supported in Scotland. That Bill provided for an audit taking place of the accounts of the local board, and he was never more surprised in his life than to hear the audit objected to. He thought if the hon. Member had studied the question more carefully, he would not have made the remarks he had done.

THE CHAIRMAN pointed out, that the Committee would not be in Order in discussing the provisions of a Bill which, he believed, was now waiting for second reading.

MR. JAMES STEWART quite agreed with the statement of the hon. Baronet opposite (Sir Henry Selwin-Ibbetson), that it was objectionable to have questions raised as to the proportion of money voted to different portions of the Kingdom. He thought there was no more disagreeable duty to an hon. Member coming from Scotland than to raise such questions; but, at the same time, it could not be doubted that throughout Scotland there was a strong feeling that the amount given for public purposes from the Revenue to Scotland was not in proportion to what might justly be awarded to her, and that was specially the case in regard to the amount granted for medical relief. He observed that £10,000 was put down for medical grants in aid, and in the note it was stated that this money was distributed in sums of from under £1 to £500 and upwards. He observed in England and Ireland

that half the total amount—[Sir HENRY SELWIN-IBBETSON: A quarter.]—was given, and, therefore, he would like to know on what principle the £10,000 was arrived at?

SIR ALEXANDER GORDON hoped the Amendment of the hon. Member for Forfarshire (Mr. J. W. Barclay) would not be pressed to a Division; for he was quite certain that if it were, very few Scotch Members would vote for it. It was proposed to reduce the Vote by £2,200, the salaries of the chairman and the secretary, and, therefore, to leave the Board in existence without either an official or a head. The hon. Gentleman had not stated the grounds on which he moved the reduction of the Vote, and seemed to forget that the Board of Supervision was created under the Act of 1845, on which the whole Poor Law system of Scotland was based, and the whole system would break down if the Board of Supervision were at once done away with. The proper course would be for the hon. Member to move the repeal of the Act of 1845, which created the system. To take away the chairman and secretary of one of the most important bodies in the Kingdom was certainly most incongruous, and he should, therefore, vote against the Amendment, if the hon. Member proceeded to a Division.

MR. MARK STEWART said, he thought the hon. Member for Forfarshire (Mr. J. W. Barclay) had taken what might be called the popular view of the question—[“No, no!”]—at least as seen in the boroughs and the large centres of population. He (Mr. Mark Stewart) himself, however, had been chairman of a very large board, and had taken a very active interest in its working, and he could state most emphatically that many questions were solved and settled by the Board of Supervision, which otherwise would have involved litigation to a very considerable extent. There was not the least hardship in the powers possessed by the Board; on the contrary, he believed that under its management the affairs of the country were better managed than they were before. There were many very complicated questions of settlement, especially in the rural districts, which would otherwise have to be decided at great cost at the Court of Sessions, which were constantly settled by this Board in a very

satisfactory manner. Again, the Board undertook a great deal of correspondence, and often gave country boards very useful information as to the working of the Poor Law in other districts. If they did not have this central Board in Edinburgh, they would only find themselves under the control of the central Department in London; and he, for one, had always been strongly opposed to centralization. He did not wish to see more extended powers given to the Board; but he certainly thought something might be done to put it in a position to do greater good. There was another feature in the Board of Supervision that must not be forgotten—namely, that a pauper could appeal from his local board to the Board of Supervision, so that the latter body was a great assistance in getting justice done to the poor in Scotland. The hon. Member had laid great stress on the fact that the whole policy of the Board of Supervision was to make the poorhouse the test of pauperism. No doubt that was in many instances a very useful test, and it was a fair and honest thing that a man who could work and would not work should have that experiment tried on him. The Board was also of great assistance, not so much in reducing as in regulating the poor rate, by giving information about the working of the workhouse tests. He did not at all wish to see the Board done away with. At the same time, he knew that the audit was most imperfectly made, and if it were more perfect it would become a very useful instrument in effectually carrying out the Poor Law system of Scotland. Again, with regard to the dismissal of Inspectors, they all knew very well that, in rural districts especially, jealousies grew up between the Inspector and some of the parishioners, not at all on the question of his fitness, but on some side issue. Certain individuals often had a great dislike to the Inspector, and, therefore, it was very important that he should be protected in doing his duty honestly and honourably, exposed as he was to very great temptations. He was not saying anything derogatory to the Poor Law Inspectors, who did their work very conscientiously; but if they knew that their dismissal depended on the decision of a body elected by the popular voice, and not on the negative or affirmative of the Board of Supervision, they might

Mr. James Stewart

be influenced in their actions by the fear of popular opinion. He hoped, after hearing these reasons, that the House would have no difficulty in coming to a decision on this matter. It would certainly, in his opinion, be a great mistake to do away with the Board of Supervision in Edinburgh, which had done very good work, and was still capable of doing very good work, because of the cost of the Board, which, after all, considering all things, was really very little indeed.

SIR HENRY SELWIN-IBBETSON said, he believed, from all he had been able to ascertain, that the great majority of the Scotch Members did not coincide with the attack which the hon. Member for Forfarshire (Mr. J. W. Barclay) had made upon the Board of Supervision, and upon its working. That being so, after the admirable speech of his hon. Friend (Mr. Mark Stewart), it was not necessary for him to go into details of the work of the Board, for he thought the merits of that work were now fairly submitted to the consideration of the Committee. The point raised by the hon. Gentleman opposite, the Member for Greenock (Mr. James Stewart), as to the medical grants-in-aid, was raised on the Vote on Account, and the promise of the Chancellor of the Exchequer to put Scotland in a similar condition as to medical relief with England and Ireland was then spoken of. He need only repeat the statement he then made, that the Treasury were quite prepared, as soon as the Bill now before the House, which placed Scotland in the same position as England and Ireland with regard to medical officers, had passed, to grant the same terms to that country as were enjoyed by other parts of the United Kingdom. The Treasury would then pay half the allowance to the medical officers, and the present grant of £10,000 would cease.

DR. CAMERON hoped his hon. Friend (Mr. J. W. Barclay) would not divide on this Motion. He agreed entirely with him that the constitution of this Board was altogether anomalous, and that under a proper system of local boards it would be entirely unnecessary; yet he could quite understand the contention of hon. Members opposite that as parochial boards were now constituted it would be quite impossible to get along, at any rate, in the country districts, without

some central control. The position was very different in the towns and in the country. In the towns there was something like a representative board; whereas in the counties, the constitution of the board was most anomalous. It sometimes comprised 500, 1,000, or even 1,500 members—all the rate-paying owners, in fact, with half-a-dozen or a dozen of the rate-paying occupiers, some representatives of the Magistracy, and some of the Kirk Sessions. A board so constituted, often not having even a committee of management, could not be regulated in its action without some benevolent despotism of this kind. Therefore, he felt that if his hon. Friend took a division at the present moment, he would take it on a false issue. Though he quite agreed with him as to its faulty construction, and as to the inadvisability of taking the supervision and management of local affairs out of the hands of the ratepayers, he must say that as long as they had their local affairs in Scotland managed by cumbrous bodies of this sort, he did not think they could get on without some official body to keep matters straight. As to what the hon. Baronet opposite (Sir Henry Selwin-Ibbetson) had said about medical relief, he trusted this was not another of those long-deferred promises by which the heart of Scotland had been made sick. Ever since the commencement of the present Parliament they had been promised every year that as soon as some Act was passed which would place Scotland in the same position as England as to audit, that they should be placed in the same position also as to medical relief. He would suggest to the hon. Baronet that what was desired might be very easily obtained by insisting upon a proper system of audit, so far as regarded the expenditure in respect of which a Government subsidy was granted, and then placing them on an equal footing with the sister countries, so far as concerned the grant-in-aid. It was quite proper that the Government, before granting one farthing of money for which they would be called on to account, should insist on a most strict and scrutinizing audit. But the proper way to deal with the question was to bring in a Bill relating to that alone, instead of repeatedly promising that at some *paulo post future* period Scotland should be put in the same position as England and Ireland.

If that were done, Scotland would soon be in a position to which she was justly entitled, and of which she had been deprived for what seemed to him very inadequate reasons.

SIR HENRY SELWIN-IBBETSON begged to explain, as he was afraid he had been misunderstood. The whole contention on the part of the Government was, that if an application was made for equal grants, Scotland must accept the same conditions as were accepted by England and Ireland with regard to her medical officers. At present, those gentlemen were not appointed compulsorily, and they were dismissible at pleasure by the Scotch parochial board. These were not the conditions existing in England and Ireland, where these officers were subject to the Local Government Board. The Bill now before the House put the two countries on the same footing, and as soon as it was carried the grant would be made.

MR. M'LAGAN reminded the Committee that this was not the first time the Board of Supervision had been attacked in that House. Ten years ago, it was attacked far more violently. In consequence, a Committee was appointed to inquire into the charges made; and after sitting two years it issued a Report, which did not recommend that the powers of the Board should be diminished, but, on the contrary, that they should be considerably increased. As a member of three parochial boards, he could say that he never knew the Board of Supervision to interfere unnecessarily; and, for his part, he believed the parochial boards were glad to ask the advice of the Board of Supervision, and that advice was always given most frankly, freely, and with great advantage to those who sought it, and to the poor of whom they had charge. As the hon. Member for the Wigtown Burghs (Mr. Mark Stewart) had said, if the Board of Supervision was abolished, they would only have in its place some central body in London, probably the Local Government Board. For his part, he objected most strongly to any such attempt at centralization, and he trusted that every Scotch Member would lift up his voice against the possibility of the Board of Supervision in Scotland being abolished, and that they would vote against the Amendment.

Dr. Cameron

SIR GRAHAM MONTGOMERY said, he also believed that in the country parishes in Scotland, the Board of Supervision had been in the habit of giving very excellent advice to the different boards throughout the country, and the general feeling of the great majority of the country parishes in Scotland was that they were perfectly satisfied with the constitution of the Board. He had been chairman of a board for many years, and he had always found the Board of Supervision most ready to give their advice to assist parochial boards in the administration of what was often a very difficult matter.

MR. E. JENKINS said, he had no doubt that the advice given by the Board of Supervision might occasionally be very excellent; but the question raised by his hon. Friend (Mr. J. W. Barclay), and upon which the urban constituencies had a strong opinion, was whether the advice was worth paying for at the rate of £2,200 a-year. He contended there was no Board of Supervision at all. There was a chairman who got £1,200 a-year, and the secretary with £1,000 a-year. No doubt, they interested themselves a good deal in their work, and wrote a good many letters; but, as had already been shown, very little was obtained for the money. His hon. Friend did not ask that they should abolish the whole machinery of the Board, but that they should abolish these two unnecessary gentlemen, and that the matter should be put into the hands of headquarters for supervision. He (Mr. E. Jenkins) was speaking with some knowledge of the feeling of his own constituents, at any rate, when he said that in the urban districts of Scotland there was a strong feeling against the interference of this Board of Supervision, which was not responsible to Parliament. He knew nothing of the advantage of the Board to the country districts; but that was not the question raised. He should not advise his hon. Friend to divide on the present occasion, for the subject required further ventilation; but he had no doubt that the agitation of the question would finally result in the country dispensing with the services of the chairman and secretary.

SIR GRAHAM MONTGOMERY reminded the Committee that there had been many complaints against the different boards in Scotland some years

ago, and that, in consequence, the Treasury had sent down a Commission under Lord Camperdown to enquire into their working; and he felt quite sure the hon. Member for Dundee had never read the Report they gave of the Board of Supervision or he would not have made the charges he had just made against that Board.

DR. CAMERON said, he did not attack the doings of the Board at all. It appeared to him to be a most anomalous body, which might certainly be dispensed with if they had properly-constituted parochial boards throughout the country; but, on the other hand, he was aware that the Committee reported that the charges brought against the Board were not substantiated.

SIR DAVID WEDDERBURN remarked, that the Sheriffs of Perth, Renfrew, and Ross, were official members of the Board, and received £150 a-year each. He wanted to know why those Sheriffs especially were chosen members of the Board of Supervision? He knew they were appointed by the Act of Parliament; but he wished to know why they were chosen, and what duties they performed?

THE LORD ADVOCATE (Mr. WATSON) replied, that they were appointed, and their remuneration was fixed, by the Act of 1845.

SIR DAVID WEDDERBURN said, he knew that. He wanted to know on what ground they were selected?

THE LORD ADVOCATE (Mr. WATSON) said, they were named in the Statute as members of the Board, and their remuneration was also fixed by the Statute.

SIR GEORGE CAMPBELL said, he was quite aware of the truth of what had been stated—namely, that the inquiry referred to had resulted in showing that the Board of Supervision had done very good work. At the same time, he fully agreed with the hon. Member for Forfarshire (Mr. J. W. Barclay) in thinking that if they had local boards at all, it was injurious that they should be deprived of all power over their own officers, and that they should be obliged to apply to the Board of Supervision every time they had to discharge one of their officials. He was also inclined to think that the Board of Supervision was somewhat afflicted with the view that it was necessary to adopt a

hard and harsh line of conduct towards the poor, and to force the local boards to send them to a poor house, when, perhaps, the latter board might be in favour of a more kindly, and, perhaps, on the whole, a more economical course. But, for all that, he knew that as things were then, it would be impossible to do away with some such officer as they had at the head of the Board of Supervision; and, therefore, he supposed his hon. Friend (Mr. J. W. Barclay), in proposing to do away with the whole Board at one blow, had only taken that course in order to obtain an opportunity of submitting his opinions upon this subject to the House. There was another view of the matter which he (Sir George Campbell) wished to place before the Committee, and it was that the Board of Supervision was something more than the head of a Poor Law Department, for they had sanitary and other Departments entrusted to them, and were, as a matter of fact, the sole representatives in Scotland of the body which in England would be called the Local Government Board. Now, there seemed to be a good deal of current opinion that some re-arrangement of the Board was desirable, and he ventured to submit that its functions should be so adjusted that it should perform the duties of a Local Government Board. In the matter of statistics, he thought the Scotch people were ill-used. Personally, he took a great interest in statistics; and either during the last Session, or the Session before that, he had put a Question to the Government, and had obtained in reply a promise that the tabulated statistics of local affairs which were given with reference to England and Ireland should also be furnished with regard to Scotland. But a very considerable time had passed, and he was not aware that anything had been done to supply the statistics promised so long ago. He could not say whether it was the fault of the Board of Supervision or not; but he hoped the right hon. and learned Lord Advocate would state what arrangements had been made to obtain the desired information for the House, and who was answerable that it had not been already supplied. For himself, he thought it should be the function of the Board of Supervision to supply these statistics, and if it was their fault that they had not done so,

he should vote very heartily for the Amendment of the hon. Member for Forfarshire to punish them by abolishing them.

MR. J. W. BARCLAY rose to explain that he had no desire whatever for centralization; on the contrary, it was on account of his objection to centralization, that he objected to the Board of Supervision. He wished that England and Scotland should have local representative boards to manage their own affairs. Under the present system, there was no representation in the rural districts, because the administration of the poor laws was practically in the hands of the minister and his Kirk Session. That was an anomaly, inasmuch as the parish minister did not pay any poor-rate. It might be necessary, meanwhile, that the Board should exercise some control over the rural parishes. No confidence should be placed in the statement that localities could not manage their own affairs; he had no doubt whatever that they perfectly well knew how to do that, and there was no more reason for the Board of Supervision to control a parochial board, if representative, than there was for it to control a town council, or a board of police commissioners, bodies which had the control of a large sum of money. The Home Secretary had promised an Under Secretary of State for Scotland, and, in his opinion, this new official could very properly and advantageously discharge such duties as were now incumbent on the Board of Supervision. The Inspectors would report to him, and he, with a seat in this House, would be responsible. At present there was no one responsible for the administration of local business in Scotland but the Board of Supervision; but that Board was not represented in the House of Commons. An Under Secretary of State would take very much the place in Scotland that the Local Government Board took in England, and it was with that view he wished to abolish this irresponsible office of the Board of Supervision. He hoped that the powers of the Board would fall into the hands of the Under Secretary of State for Scotland promised by the Home Secretary; that the Inspectors should report to him just in the same way as the Inspectors of Mines and Collieries reported to the Home Secretary in England; that the new

Under Secretary should put a stop to the exercise of unnecessary control; and that he should be responsible to the House for the administration of local affairs in Scotland. He would be able to exercise all the control that was necessary, and would be responsible to that House for proper administration. By this policy, centralization would be decreased instead of being increased.

MR. RAMSAY, who rose amidst considerable interruption, said, it was not much of the time of the Committee or House that Scotland usually occupied, and he thought it was necessary that they should have a perfect understanding of the Vote. The only explanation the hon. Baronet opposite (Sir Henry Selwin-Ibbetson) gave of the refusal to grant an additional sum to Scotland in aid of medical officers employed by the various parish boards was that the medical officers had not been properly appointed under the existing law of Scotland. Well, he should like the hon. Baronet to point out to him a single instance, a single parish in Scotland, for which a medical officer had not been appointed. No doubt, the hon. Baronet had a good acquaintance with Scotland; but so far as his (Mr. Ramsay's) experience was concerned, he was not aware of a single instance in which any parish in Scotland had been left without a medical officer to take charge of the paupers within its limits. If that was so, what was the use of the hon. Baronet telling them that the officers should be compulsorily appointed? It was idle to give that as a reason for the Vote of £280,000 for England, as compared with £10,000 for Scotland. If an anomaly of that kind was to be justified by some defect in the law of Scotland, he did not see in what manner they were ever to come to an equitable administration of public affairs. It was a fact that medical officers were appointed for every parish in Scotland. If they were not compulsorily appointed, he did not know how it was that Scotch people came to be so considerate of the wants of the poor as to appoint a medical officer at their own expense for the paupers in every parish, when the officers were not appointed in that way in England. If they continued the Vote to England, they should give a corresponding Vote to Scotland.

MR. J. W. BARCLAY: I beg leave to withdraw the Amendment, the dis-

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cussion that has taken place having thoroughly satisfied me for the present.

THE LORD ADVOCATE (Mr. WATSON) quite admitted the promise which had been given to the hon. Member for Kirkcaldy (Sir George Campbell). He might explain that, after due inquiry, it was not thought necessary to increase the staff of the Board of Supervision for the purpose of collecting those statistics, because at that moment there was a Departmental Committee, sitting under the Chairmanship of the right hon. Gentleman the Member for Pontefract (Mr. Childers), to consider the best mode of collecting official statistics of that class in similar terms for the three divisions of the United Kingdom.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(15.) Motion made, and Question proposed,

"That a sum, not exceeding £5,852, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses."

Mr. E. JENKINS begged to move the reduction of this Vote by the sum of £1,562 for the Queen's Plates in Ireland. The hon. Baronet the Member for Finsbury (Sir Andrew Lusk), having moved that the money for the Queen's Plate in Scotland should not be granted, he (Mr. E. Jenkins) thought it but fair that the Committee should endeavour to mete out to Ireland the same justice as to England and Scotland. The Irish Members, he was sure, would not feel that there was any impropriety or inconsistency in asking that this large sum spent in the encouragement of gambling in Ireland should be done away with. In the first place, it was but a mere pretence that this grant in any way assisted the improvement of the breed of horses. He thought that no hon. Member in the Committee would get up to defend that view of the case. The country was so rich that it contained a great number of persons quite able to afford to improve the breed of horses without the incentive of running for the Queen's Plates; and, in his opinion, it was absolutely neces-

sary that the Plates should be abolished. Unhappily, the spirit of gambling was itself sufficiently active to induce people to breed horses for the purpose of enabling the people to gamble. He ventured to say that there was not a single public school in the country in which there would not be a sweepstakes on the approaching Derby. Was it a proper thing to encourage these Queen's Plates? The Metropolitan Racecourses Bill had been supported by the right hon. Gentleman the Home Secretary, on the ground that it was necessary to place some restrictions upon racing facilities in the immediate neighbourhood of the Metropolis, and the motive for the Bill was that these races collected together almost all the scum of the Kingdom. It could not be right that the Queen's Plates should be voted for the purpose of giving such people the opportunity of gambling. Races were undoubtedly patronized by persons of respectability—persons sitting on the front Benches of the House—but for all that they were highly demoralizing, and the Committee should not be called upon to vote money for the encouragement of the practice of horse-racing, which led to riots and disturbances, and really made the places in the neighbourhood of which they were carried on unfit for the habitation of respectable persons. He would move the reduction of the Vote by the sum of £1,562.

Motion made and Question proposed,

"That a sum, not exceeding £4,290, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses."—(Mr. Edward Jenkins.)

MR. MITCHELL HENRY said, he had heard with very great distress the observation of his hon. Friend below him (Mr. E. Jenkins), that the morals of the young men in the public schools of the country were being sapped by the habit of betting, which the hon. Member attributed to the existence of the Queen's Plates. He (Mr. Mitchell Henry) was unable to consider the hon. Gentleman the best exponent in the Committee of the practices in the public schools of England, and had, in fact, reason to know that the statement was grossly exaggerated; indeed, he knew perfectly

well that in very few public schools in England was there any betting whatever, and what there was could certainly not be attributed to the Queen's Plates. He received every year from the discussion which arose upon this portion of the Estimates an increasing moral shock, because, in listening to the protests of his Scotch Friends, he knew them to be without reality, and mere sham. He would prove this incontestably by argument and by fact. This Vote had been protested against by the Scotch Members on several occasions, and on one memorable occasion, four years ago, they took a Division and carried their point. The Committee consequently disallowed the Vote for Scotland, and what was the consequence? All Scotland was in a state of ferment during the whole of the succeeding 12 months. Members went home to their constituents only to be asked, what in the world have you done? The next year his hon. Friends got the decision reversed, and actually succeeded in persuading the Treasury to pay them the sum previously disallowed. After that, he confessed that his faith in the virtue of his Scotch Friends was very much shaken. Now, the Irish Members had never objected to these Queen's Plates; on the contrary, they all wished they were larger, and maintained that instead of, as at present, being concentrated on a few spots, they should be diffused over the country. They also believed that the breed of horses in Ireland had been very materially improved by them; but, if not, they were still willing to take the money, because it increased the enjoyments of the people. He ventured to remind the Committee of what the Prime Minister had said—namely, that Ireland was discontented because she was not amused. Although he did not agree with that, there could be no question that there did exist a great deficiency in the amusements which brought together the people of England and Scotland in Ireland—for, owing to other causes, there was a great gulph between the rich and the poor—and he rejoiced at the meetings which took place at the Curragh of Kildare, and elsewhere, where the rich and the poor, the landlord and the tenant, and others who were divided by religious and social distinctions, met in the enjoyment of one common pastime. He wished to remind the Committee that the races in Ireland

were not usually of the kind called in England by the name of flat races, for they implied something in the shape of courage and jumping, a very large proportion of them being hurdle-races. For these reasons, he felt sure that the Committee would not agree to the proposition of his hon. Friend, whose virtue, at any rate, was not appreciated in Scotland, against the deprivation of money which his constituents had for so long enjoyed; and who, if they succeeded in taking it away, would certainly not help the Irish Members to get back their share.

Mr. ISAAC thought that the hon. Member for Dundee (Mr. E. Jenkins) committed a mistake in looking upon racing as an immoral sport. He was in error, also, in referring to a Bill which had passed in "another place" that night as a condemnation of racing on the part of the House. That Bill had really nothing to do with the question before the Committee, as it was only passed by that House with the view to suppress small races in the vicinity of London, which had become a disturbance and an annoyance to the neighbourhood in which they were held. That had nothing to do with the great races of the country, which were most advantageous in encouraging the production and rearing of horses. He therefore thought it would be wrong in the Committee to assent to the proposal of the hon. Member for Dundee, as they would thereby deprive Ireland of an encouragement which she richly deserved, which was at once an amusement for the people, and an incentive to improvement in the breed of horses—an essential element in Irish prosperity.

SIR GEORGE CAMPBELL hoped that the hon. Member for Dundee (Mr. E. Jenkins) would press his Motion to a Division. It was a farce to say that these grants really encouraged the breed of horses; that was not done by means of the horses trained for races, as they consisted of the most weedy animals. Those races were a source of great demoralization to horses and men, and set a very bad example in the neighbourhoods where they were held, and far beyond. One of the evils from these races was the encouragement it gave to betting all over the country; in many a school in the country sweepstakes took place over these races, and the same occurred

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in India, in the Colonies, and in every part of the English-speaking world. It was a source of demoralization not only to young men, but to young women. It was a farce that they should make laws against lotteries, and yet permit great sweepstakes on races. This was a subject upon which he had had some experience, for, when in India, he had to put down the sweepstake lotteries. These things had grown into an enormous abuse, and, in spite of great unpopularity, he had exerted his authority to put them down. In his opinion, the giving of these Plates encouraged gambling of this kind, and it was inconsistent that Parliament should support them while it condemned lotteries.

MR. J. LOWTHER had no wish to take exception to hon. Members for Scotland taking part in a debate upon a question which related entirely to Ireland; for he had always maintained that every hon. Member had an absolute right to discuss every matter brought before the House of Commons without any reference to what particular part of the United Kingdom he might happen to represent. At the same time, he thought that considering the Representatives of Scotland had already challenged the principle of the Vote for Queen's Plates in connection with that part of the United Kingdom which they themselves represented, it was rather a strong course for Scotch Members to raise that identical question again in the case of the Queen's Plates for Ireland. That seemed to him to be rather infringing the salutary Rule which forbade discussion of the same question twice over. He would not weary the Committee by going over again the arguments in favour of the retention of those Plates; for he thought that it had been sufficiently shown that the voice of the Irish Representatives was entirely in their favour. For these reasons, he hoped that the hon. Member for Dundee (Mr. E. Jenkins), who, he believed, was himself an advocate of the principle of Home Rule, would not persist in going to a Division.

MR. WHITWELL observed, that these Queen's Plates had been under discussion on many previous occasions, and he should like the Chief Secretary for Ireland to give some information with regard to them. A promise had been given on several occasions that the grant

should be divided so as really to make it advantageous to the breeding of horses; but they had not yet been told what was the proper appropriation of this Vote, or whether the system was under revision. For his part, he would rather make the Vote larger in a year, and properly appropriate it, in order to encourage the breeding of horses, instead of applying it, as at present, in a disadvantageous manner.

MR. J. LOWTHER observed, that the question of the distribution of these Plates was under consideration. In one instance, it having been represented that a meeting was not of a character to justify giving a Plate to it, the Plate was transferred to another meeting. The instance to which he referred was that of Londonderry, where the races were certainly not in a very flourishing condition; the Plate was transferred from there to the City of Galway, where a rising meeting was established; and it was thought that good results would be produced by giving the Plate to it. He said this to show that the money was not appropriated in any obsolete lines; and how it could be further distributed in order to encourage the breeding of horses would from time to time be considered.

MR. E. JENKINS said, he would not have risen again, if it had not been that the Chief Secretary for Ireland had charged him with inconsistency in moving the reduction of the Vote. The right hon. Gentleman had referred to him as a Home Ruler; but he denied that he belonged to that Party. He wished to point out that the sum of £218 had been allowed to Scotland in respect of these Plates; whereas it was intended to give £1,562 to Ireland, and he, therefore, thought that the Scotch Members had some right to protest against this attempt to win Ireland, or, practically, to bribe it, by giving it this sum. The Chief Secretary for Ireland had said that in pure and moral Londonderry the races were not successful, and that, in consequence of it, the Government were obliged to go to the wilds of Galway to carry out one of these amazing meetings.

MR. O'SHAUGHNESSY did not think that the Chief Secretary for Ireland was very much to blame for speaking of the hon. Member for Dundee as a Home Ruler, for he did make some of

his Irish constituents believe that he was in favour of it. He rose, however, for the purpose of protesting against one expression of the hon. Member—namely, that in which he described these meetings as resorts for scoundrelism. He thought that was an undue, and that he would be right in saying a very improper, expression. The Irish peasantry went to races, and behaved themselves in the most decent manner, and like Christians, and no complaint could be made against them. They freely entered into the sport, and took great pleasure in the amusement. The hon. Gentleman evidently took his idea of race-meetings from some which were held near Glasgow, or, perhaps, some of the London races. He did not suppose that he had had a large experience in those matters; but when he came down to the Committee, and described those meetings as resorts for scoundrelism, he thought it would be wise to make himself better informed first.

MAJOR NOLAN did not think that the epithet applied to Galway by the hon. Member for Dundee (Mr. E. Jenkins) was entirely justified, although he was sorry to say that the county was very much poorer in some parts than in others. The hon. Member, however well he might speak upon political questions within his knowledge, was extremely ignorant on many facts connected with Ireland. Speaking about these races in Ireland, he had alleged that a good deal of gambling took place there. No doubt, a certain amount of gambling took place in Ireland; but the extraordinary part was that it was only in connection with English races. Almost the same number of people betted in Dublin and Ireland as did so in London and Glasgow; but this betting took place on the English races, and was in no way affected by the Queen's Plates. In connection with the effect of the Queen's Plates upon the breeding of horses, he might say that a gentleman who knew a good deal about these matters had recently told him that horses were very often bred in Ireland and sent out of the country for racing purposes, and then returned again for breeding; and, were there no races in Ireland, gentlemen would not keep their horses there. Thus it was that the races held tended to keep up a proper stock of horses in Ireland, and those

races mainly depended for their continuance upon the Queen's Plates. A very little money was given to the country for this purpose—about £1,500—and the hon. Member was quite right in saying that only £200 was spent in Scotland for the same object. But the hon. Member for Dundee's real complaint was that Scotland was not demoralized to the same extent as Ireland. In his opinion, both countries got too little for this purpose. He would wish, however, to make some remarks with respect to the distribution of the grant for Queen's Plates. He thought it was a mistake to have races at the Curragh, although it was quite erroneous to allege that the race did harm to the towns. The fact was that a great objection to the way in which the Queen's Plates were distributed was that most of the races at which they were given were nearly 30 miles from any large town. The people, therefore, had great difficulty in getting to the courses where those races were held. He thought that a certain number of races should be run nearer each large town. He would recommend this point to the consideration of the Chief Secretary for Ireland; for although trainers might wish to have the races run at their own doors, yet it would give more amusement to the people if the races were more equally distributed.

SIR PATRICK O'BRIEN observed, that the question of the distribution of the Queen's Plates in Ireland had been raised in that House on several previous occasions. At the present time very small sums were raced for, and he did not think that the management of the grant for Queen's Plates was conducted in the best manner. It seemed to him that if the sum of £1,500 was divided and allocated to the four Provinces, to be raced for in alternate years, while they would increase the amusement of the people, the stakes might be made so considerable as to encourage improvement in the breed of horses. At the present moment, such small sums as £100 were not a sufficiently strong consideration to induce a man to breed horses for a particular race; whereas, if the money were divided in the way he had suggested, and the races run alternately in the four Provinces, he believed an inducement would be held out to the breeders of horses.

Mr. O'Shaughnessy

Question put.

The Committee *divided*:—Ayes 44; Noes 165: Majority 121.—(Div. List, No. 89.)

Original Question again proposed.

SIR GEORGE CAMPBELL said, that, before the Vote was agreed to, he wished to refer to two officers in the Household of the Lord Lieutenant of whom no mention had been made that evening—he meant the two “gentlemen at large.” There was evidently great extravagance in connection with the maintenance of the Vice-regal establishment in Ireland, arising especially from the number of officers who were attached to the personal Staff of the Viceroy, including, as they did, a private secretary, several aides-de-camp, a steward of the household, a gentleman in waiting, a master of the horse, a gentleman usher, a chamberlain, besides the two “gentlemen at large.” Now, Her Majesty had a great Viceroy in another part of Her Dominions, and he had some knowledge of the establishments which were kept up by him. In the case of the Viceroyalty in India, with which he was acquainted, the Representative of the Sovereign had a far more important charge committed to him than the Lord Lieutenant of Ireland; but the former, nevertheless, had only one private secretary, one military secretary—who had separate functions to perform—and three or four aides-de-camp. He could see no good reason, therefore, why, in addition to the various other officers which he had mentioned, the Lord Lieutenant should be furnished with two “gentlemen at large;” and he should, therefore, move the reduction of the Vote by the sum of £258—the amount of their salaries.

Motion made, and Question proposed,

“That a sum not exceeding £5,596, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses.”—(Sir George Campbell.)

MAJOR O'BEIRNE begged to move the reduction of the Vote by the sum of £328, the amount of the salaries of two aides-de-camp attached to the Staff of

the Lord Lieutenant at Dublin Castle. It appeared that on the Staff of the Viceroy of India there were only eight aides-de-camp, while there were 11 on that of the Lord Lieutenant of Ireland. He saw no good reason why that large number should be maintained on the Irish establishment; and he felt perfectly satisfied that if the Lord Lieutenant himself were consulted in the matter, he would say that eight aides-de-camp would be sufficient for all the purposes for which such officers were required. To have a greater number was to waste the public money, and to withdraw officers unnecessarily from the discharge of their regimental duties, to the disadvantage of the Service; for it was a complete mistake that the regiments of the Army were now over-officered. The real state of the case was the very reverse. The number of officers were far too few, and he feared that such appointments as those of which he was speaking were kept up mainly in order that the authorities at the Horse Guards might have a large amount of patronage at their disposal.

THE CHAIRMAN pointed out that he could not put the Amendment of the hon. and gallant Gentleman, as there was a Motion for the reduction of the Vote already before the Committee.

MR. J. LOWTHER said, that, as a matter of fact, the salaries of only four aides-de-camp instead of 11, as the hon. and gallant Gentleman the Member for Leitrim (Major O'Beirne) seemed to suppose, were defrayed out of the Estimates. It was all very well, he might add, to criticize the number of officers on the Staff of the Lord Lieutenant of Ireland, as the Member for Kircaldy (Sir George Campbell) had done; but the real question was whether it was or was not expedient to maintain the Office of Viceroy in that country? If the answer was in the affirmative, it was absolutely necessary that the Vice-regal Court should be kept up with becoming state. He did not believe that the people of Ireland wished to see the Office of Lord Lieutenant abolished, nor did he think they would like to see its dignity impaired.

MR. MITCHELL HENRY said, it was quite clear that some hon. Members who objected to the expenditure on the establishment of the Lord Lieutenant of Ireland were opposed to the con-

tinuance of the Vice-regal Office itself. Now, the question of abolishing or retaining the Office was one which had been frequently raised; and, no doubt, people entertained different opinions upon it, both in this country and in Ireland. His own belief was, however, that the great majority of the Irish people were decidedly in favour of continuing the Office, and upon this ground among others—that, so long as it continued to exist, it furnished tangible and distinct evidence of the differences by which the two countries were separated. He should, indeed, regard the abolition of the Office as a great disaster for Ireland, and it seemed to him a most extraordinary thing that any hon. Member should object to the small sum of £285 for the salaries of two officers whose services were required to keep up the dignity of the Representative of the Sovereign. The two “gentlemen at large” were, he thought, very cheap at the price, seeing that they had to be constantly at the beck and call of the Lord Lieutenant. Those who opposed the Vote that evening appeared to him to forget that the functions of the Irish Viceroy were very different from those which the Governor General of India had to discharge. One of the most important duties of the Lord Lieutenant, with the two “gentlemen at large” and his aides-de-camp, was to keep up to a proper standard the social amenities of the Irish capital, and to see that young ladies attending the balls at Dublin Castle were duly provided with partners. Now, in India, although it might be deemed desirable that the Viceroy should do everything in his power to influence favourably to us the male portion of the population, he did not believe there was much hope that we could produce an impression on the female portion of it, or that we should gain much by doing so. Everyone, moreover, was aware that, great as was the influence of the ladies in England, it was doubly great in Ireland; and it was, therefore, in his opinion, most desirable that the most eligible men should be selected by the Lord Lieutenant to fulfil those functions, which, hitherto, whether under Whig or Tory Governments, had been performed with much credit to themselves and satisfaction to the country, by those officers whose salaries it was now sought to cut off. For his own

part, he should certainly vote against the proposed reduction.

Question put, and *negatived*.

Original Question again proposed.

MAJOR O'BEIRNE said, he would now move the reduction of the Vote by the sum of £328, the salaries of two aides-de-camp to the Lord Lieutenant. He urged in support of the reduction the trifling nature of the duties, such as occasionally attending the Vice-regal receptions for an hour or two, which those officers had to perform. Their position was very different from that of aides-de-camp in India, who had very arduous duties imposed upon them. But the great objection, in his opinion, to the employment of so many officers as aides-de-camp in Ireland was that they were, in consequence, withdrawn from their regiments, which, as he had already stated, were, as matters now stood, under-officered.

Motion made, and Question proposed,

“That a sum, not exceeding £5,524, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of Ireland and other Expenses.”—(*Major O'Beirne*.)

SIR JOSEPH M'KENNA opposed the reduction of the Vote, and expressed a hope that hon. Members would refrain from nibbling, as they had been doing that evening, at the establishment of the Lord Lieutenant. He could not help thinking that it was scarcely worthy of his hon. and gallant Friend the Member for Leitrim (*Major O'Beirne*) to take the mode which he had just done of endeavouring to prove how much better he understood the matter of Staff appointments than the authorities at the Horse Guards, though, perhaps, he did. He hoped, however, he would abstain from nibbling any further at the small Vote under the consideration of the Committee.

MR. STACPOOLE was one of those who regretted exceedingly that the Office of Lord Lieutenant of Ireland was not abolished, and that one of the Royal Princes did not take up his residence in Ireland instead. But, so long as the Viceroyalty was maintained, he did not

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see how the services of such officers as those whose salaries it was now sought to strike out of the Estimates could properly be dispensed with. As to the argument that officers were kept away from their regiments by being appointed aides-de-camp, and that the Army consequently suffered, he could only say that it was an argument which was equally applicable to the case of a general officer who had an aide-de-camp. It seemed to him, he must confess, to be scarcely worthy of Irish Members especially to quibble about so paltry an item in a Vote which was itself very small.

MR. O'CONNOR POWER said, notwithstanding what had fallen from the hon. Gentleman who had just sat down (Mr. Stacpoole), he felt more disposed to be influenced by the arguments of his hon. and gallant Friend the Member for Leitrim (Major O'Beirne) than by those which he had urged. The hon. Member for Youghal (Sir Joseph M'Kenna), he might add, deprecated what he termed nibbling at the Vote; but if some hon. Member did not commence in that way, Votes would never be reduced at all. If hon. Members were dissatisfied with the very small reduction now proposed, it would be easy to meet that objection by moving a larger reduction. If they were not disposed to cut off a shilling, there was no reason why their wishes should not be consulted by asking the Committee to reduce the Vote by hundreds or thousands. He entirely deprecated, however, the attempt to silence those who desired to criticize the Vote, by the allegation that they were merely nibbling at the establishment of the Lord Lieutenant in Ireland. His own opinion was that it was an establishment which required to be nibbled at very much; and if a Member of that House wished to do his duty, he must not rest content with cutting it only down, but must direct his attention to other Royal and semi-Royal establishments with a similar object—for there were very many of them in whose case it would be well to have the expenditure very much diminished. He hoped, therefore, the hon. and gallant Member for Leitrim (Major O'Beirne) would press his Amendments to a Division. It was, he contended, perfectly absurd that the public money should be frittered away in order to enable certain young gentle-

man in Dublin to make love to the ladies, as if Irish gentlemen could not and would not make themselves amiable to the fair sex without any such adventitious advantages.

MR. BRUEN happened to know several gentlemen who occupied the position of aide-de-camp in Ireland, and could bear testimony to the fact that some of them were officers of Militia regiments, who had during a great part of the year no regimental duties to perform. It could not fairly be argued, therefore, that their regiments suffered from their attendance at the Vice-regal Court.

MR. MITCHELL HENRY thought the argument of the hon. Member for Mayo (Mr. O'Connor Power) was scarcely a logical one. He seemed to assume that Irish Members wanted to reduce the Vote; but he (Mr. Mitchell Henry), at all events, must beg to enter a most distinct protest against any such reduction. In his opinion, the Office of Lord Lieutenant of Ireland, as long as it was kept up at all, should be maintained with proper state, because the person who occupied it was the Representative of the Sovereign. He had no wish, therefore, even to nibble at the establishment in question. He believed that the longer we could uphold our Constitution under a Crowned Head, the better would it be for all parts of the United Kingdom. He had no sympathy whatever with Republicanism in any shape or form; and he did not, therefore, agree with his hon. Friend in the expediency of commencing the nibbling process which he appeared to approve. He declined to nibble at the Vote, because he desired to see it passed to the full amount. Entertaining those views, he could not go into the Lobby with his hon. and gallant Friend the Member for Leitrim (Major O'Beirne), who, he might observe, did not seem to be very well informed on the subject; for he evidently was ignorant of the fact that many of the officers attached to the Staff of the Lord Lieutenant did not belong to the regular Army at all, but to the Militia. That being so, their services could not be lost to the Army, as he would lead the Committee to suppose.

MR. STACPOOLE pointed out that out of the 11 or 12 aides-de-camp in Ireland only 4 were paid, and that their pay amounted to only 10s. 6d. a-day

each. He must, therefore, repeat that the sort of quibbling in which some Irish Members had thought fit to indulge that evening was scarcely becoming to them.

MAJOR O'BEIRNE said, his hon. Friend the Member for Galway (Mr. Mitchell Henry) laboured under a great mistake, if he supposed that officers were not kept away from their regiments in consequence of holding the position of aide-de-camp, to the injury of the Service. They were absent from their regiments during the summer months, when their services were most needed. That was a state of things against which he felt it his duty to protest.

Question put.

The Committee *divided*:—Ayes 49; Noes 193: Majority 144.—(Div. List, No. 90.)

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £24,840, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and Subordinate Departments."

MR. WHITWELL said, he must oppose the Vote. As hon. Members were aware, the whole of the North of England, including Cumberland, Durham, Northumberland, Westmoreland, and even part of Lancashire, were greatly concerned at the very large amount of disease which had been imported into those counties from Ireland. At one time, a very proper and strict inspection of all cattle from Ireland took place at the ports of entry; but since the middle of last year the whole of the Inspectors on the English side had been removed, and almost immediately after foot-and-mouth disease, as well as pleuro-pneumonia, broke out, and it had been ascertained, from perfectly authenticated cases, that the disease came from Ireland. A system of inspection, it was true, had been established on the Irish side; but he was sure that hon. Members for Ireland felt just as much as he did the extreme importance and the great desirability of not neglecting any precaution for preventing any disease being transhipped. Not only did large quantities of cattle

come from Ireland which found their way so far as Yorkshire and even Norfolk, but great quantities of breeding stock were now being brought over, and that rendered it all the more necessary that there should be the most rigid system of inspection. Yet the number of Inspectors appointed for the whole of Ireland was six, and two travelling Inspectors, and the whole amount paid them was some £3,000 and odd pounds. The ports at which cattle were imported were Liverpool, Barrow, Whitehaven, Fort Carlisle, Stranraer, and Ardrossan. On some days 1,000 head of cattle were shipped from Belfast alone, in one day, to inspect which but two Inspectors were allowed. From a Return he had recently obtained, he found that, although there were 20 ports in Ireland from which cattle could be shipped, there were but 10 Inspectors in all, including the Chief Inspector and the Assistant Inspector. He admitted that there was a name attached to every port as that of the Inspector; but he contended that the system at present was very incomplete, and he should much prefer the restoration of inspection on the English side. After a good deal of pressure the Government decided that it would be more satisfactory to the Irish exporters if the inspection were on that side, and, consequently, the Inspectors at the ports he had named were removed. At the present time, therefore, the cattle were put straight from the ship on to the railway, and carried into the country. As a result, three cases of foot-and-mouth disease had been traced to Fort Carlisle alone. It was very clear that the inspection was inefficient; but he could not move to increase the Vote, and, therefore, in order to raise the whole question formally and in Order, he would move the reduction of the Vote by £400, so reducing the salary of the Professional Adviser of the Irish Veterinary Department from £800 to £400. It was most important that cattle coming from Ireland should be free from disease, as, of course, if the buyers knew all the cattle were certainly free from any taint, they would give more for them.

Motion made, and Question proposed,

"That a sum, not exceeding £24,440, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries

Mr. Stacpoole

and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and Subordinate Departments."—(Mr. Whitwell.)

MR. O'SHAUGHNESSY asked whether, if the Amendment were put, it would afterwards be competent for him to move the reduction of the Vote by a further sum?

THE CHAIRMAN, in reply, said, that he would be quite in Order.

MAJOR NOLAN quite understood that the Amendment of the hon. Member for Kendal (Mr. Whitwell) was merely nominal. The Cattle Plague Act had only just got into working in Ireland; but a great deal of good was being done, and he could not understand why the hon. Member should advocate inspection on the English instead of on the Irish side of the Channel. Last winter he (Major Nolan) visited several places in England where cattle were disembarked. Formerly, they were unshipped, and left to stand about in open places, very often in the wet, before they could be put into the trains; but the railway people told him that they had not half so much to do, or half so much trouble, that the cattle were at once put on the trains, and were far more comfortable. He had no objection to English inspection as well; but he could not understand why the inspection could not be done just as well in Ireland, and certainly it took place under far more favourable circumstances. He would heartily support the hon. Member in any attempt to improve and perfect the inspection in Ireland; but if he attempted to remove it, he certainly should oppose him, for any such attempt he should regard merely as an effort to revive Protection in disguise.

MR. PERCY WYNNDHAM said, whether the present inspection was satisfactory or not he would not say; but it was certain that the moment the English inspection was removed, there was a great importation of disease into that part of the country. He did not wonder that the hon. Member opposite (Mr. Whitwell) had brought forward this subject; for his county, considering its size, contained more valuable cattle than any other in England. In his opinion, the present inspection was not sufficient, and he would heartily support any Motion for increasing the number of Inspectors.

SIR JAMES M'GAREL-HOGG trusted the Committee would continue the present system; for, in his opinion, the system of inspection at the port of embarkation was by far the most satisfactory.

SIR WALTER B. BARTELOT thought there should be no difference of opinion amongst the Committee that inspection ought to be thoroughly and properly carried out. Considering the present depressed state of agriculture, there was certainly one thing against which the farmers should have protection, and that was the importation of disease. They, none of them, he believed, objected to the inspection in Ireland, and, for his part, he was decidedly of opinion that it ought to be made there; but he did wish to impress upon his right hon. Friend the Chief Secretary for Ireland the importance and the absolute necessity of making the inspection both sufficient and efficient. If disease had come into the North of England from Ireland, the inspection certainly could not be sufficient and efficient now, and he wanted his right hon. Friend to promise them that it would be made so in the future.

MR. O'SHAUGHNESSY understood that some very suitable accommodation was offered for the shipping of cattle at Waterford, and if those offers had been accepted, they certainly would not have had these complaints about Milford Haven. He should like to know whether the right hon. Gentleman the Chief Secretary for Ireland had availed himself of this offer from Waterford, which was now one of the most important ports for the shipment of cattle in Ireland?

MR. J. LOWTHER explained that the Act had only been in operation a few months, and, it could not, therefore, be a matter of surprise if the machinery was not at present quite in working order; but, certainly, until he heard the observations of the hon. Gentleman the Member for Kendal (Mr. Whitwell), he was entirely unaware of the existence of these complaints with regard to the importation of disease. He could not ascertain that any reports or complaints had reached the English Veterinary Office, and certainly none had reached his own; but he would certainly give the matter his immediate attention. He believed the point as to the inspection at the various ports was already being inquired into.

MR. CLARE READ was very glad the attention of his right hon. Friend had been called to the matter, for he remembered perfectly well that it was the opinion of the Committees which inquired into the Cattle Diseases Acts that the Irish Veterinary Department, some years ago, was both undermanned and underpaid. He saw that there had been a very considerable increase in the number of Inspectors; but if the inspection in Ireland was to be of any use at all, it must be very much better than it had been in previous years. He believed that, as a rule, veterinary surgeons did not abound in Ireland, and that a good many had been imported from England; but he had also heard that one or two young vets who had gone over there were so badly paid that they were obliged to come back.

MR. SHAW believed that the inspection at the ports was very efficient; but in the country districts it was very difficult to get Inspectors, from the want of knowledge of diseases of animals which prevailed. He would suggest to the right hon. Gentleman the Chief Secretary for Ireland that he should make the Irish Veterinary Department a teaching Department. At present, there was no school of veterinary teaching whatever in Ireland. In the County of Cork they were trying to do something in connection with the medical schools which the Government were going to establish, in order to teach veterinary science to the farmers. A very few thousands a-year would establish a school of veterinary science, for the county gentlemen were quite ready to come forward with a supplementary grant. He did not believe the Government could spend money more usefully, and they would also prevent the shipment of diseased cattle. Very often, he believed, such cattle were sent to the port through pure ignorance of what was the matter with them on the part of their owners.

MR. WHITWELL said, he did not wish to press his Motion; but he might say that he was well acquainted with this subject, and was sure that if it were investigated by the right hon. Gentleman the Chief Secretary for Ireland, he would come to the same opinion upon it as he (Mr. Whitwell) had done.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. O'SHAUGHNESSY said, that the question involved in the consideration of the Vote was a very large one, and unless the Government would pass it over, he should move to report Progress.

MR. J. LOWTHER thought that the Vote had been sufficiently discussed.

MR. O'SHAUGHNESSY said, that, under those circumstances, it only remained for him to move to report Progress. If they were to go into the matter fully, there would be no possibility of the discussion being finished under two or three hours. Moreover, two or three other Votes would cause a similar discussion.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. O'Shaughnessy.)

MR. J. LOWTHER hoped the hon. and learned Member would not strive to postpone the Vote. It was an annual Vote, and he was not aware of any new matter that had arisen in connection with it. As he had heard no arguments in favour of reporting Progress, he really could not consent to the Motion.

MR. O'SHAUGHNESSY declined to withdraw the Motion.

MR. MITCHELL HENRY observed, that some Votes following this would also require considerable discussion. Everyone who knew the hon. and learned Member for Limerick (Mr. O'Shaughnessy) was aware that he never took objections unless they were well-founded, and for the purpose of obtaining proper criticism. The Chief Secretary for Ireland had now, in effect, classed the hon. and learned Member amongst those who wilfully obstructed Business; and, therefore, he should support his hon. and learned Friend in his opposition to going further. He thought the time had come when the Committee was well justified in reporting Progress.

MR. O'SHAUGHNESSY was firm in his wish to report Progress. He made the Motion for the purpose of recalling the attention of the Committee to the fact that on a previous occasion the right hon. Gentleman the Chief Secretary for Ireland, while objecting to the

general terms of a Motion he (Mr. O'Shaughnessy) had brought forward, had stated that it was the intention of the Government to place in that House, in the hands of a responsible Minister, all Irish matters connected with the Treasury. That was a most important subject, and his Motion was to remind the Chief Secretary for Ireland of his promise.

MR. J. LOWTHER said, he had no wish to carry on the discussion, and that if the House was not in a humour to proceed with the Estimates, he did not wish to press them to do so. He must, however, take exception to what had been stated by the hon. and learned Member for Limerick. What he originally said had no reference whatever to the Vote before the Committee, but referred to the Vote for the Office of Works. If, however, the hon. Gentleman the Member for Galway (Mr. Mitchell Henry), and other hon. Members, wished to raise a serious discussion on this and the succeeding Votes, he should have no objection to reporting Progress.

SIR ANDREW LUSK hoped that the Committee would not proceed further with Supply that night, as they had already been engaged upon it for seven hours, and he thought it was a very fair proposition that Progress should be then reported.

MR. J. LOWTHER said, he acceded to the proposition to report Progress; but he only wished now to take the Vote for the Registrar General's Office, which was unopposed.

Motion, by leave, *withdrawn*.

Original Question, by leave, *withdrawn*.

(16.) £13,109, to complete the sum for the Registrar General's Office, Ireland.

(17.) £18,596, to complete the sum for the Valuation and Boundary Survey, Ireland.

House resumed.

Resolutions to be reported *To-morrow*;

Committee to sit again upon *Wednesday*.

SUMMARY JURISDICTION BILL.

[BILL 69-138.]

(Mr. Secretary Cross, Mr. Attorney General, Mr. Solicitor General, Sir Matthew Ridley.)

COMMITTEE. [*Progress 9th May.*]

Bill considered in Committee.

(In the Committee.)

Supplemental Provisions.

Clauses 22 to 27, inclusive, *agreed to*, and *added* to the Bill.

Clause 28 (Cost of prosecution of indictable offences dealt with summarily).

MR. PAGET moved, as an Amendment, in page 16, line 30, to leave out all after "section" to "shillings," inclusive, in line 32.

MR. ASSHETON CROSS assented to the Amendment.

Amendment *agreed to*; words *struck out* accordingly.

Clause, as amended, *agreed to*, and *added* to the Bill.

Clause 29 (Power of the Lord Chancellor to make rules).

MR. HICKS begged to move that the clause be struck out. It appeared to him that the rules which the clause directed to be drawn up by the Lord Chancellor should be inserted in the Bill itself. The clause gave power to the Lord Chancellor to make such rules and regulations, and to draw up tables of costs and charges and other matters. It appeared to him that all these matters ought to be inserted in the Bill, so that persons who took up the Act might know what the law was, and that the magistrates who had to carry it out might also be informed of it from the Act itself. He submitted that there was plenty of time between this and the third reading of the Bill to enable the right hon. Gentleman in charge of the Bill to prepare a fresh clause which should contain all those regulations. The Bill would then be left in such a form that the law could be at once clearly ascertained from it.

MR. ASSHETON CROSS hoped the Committee would allow the clause to stand. What was proposed by the present clause was merely what was usual under the circumstances, and was the case with the Judicature Act. It was impossible to make these rules by Act of Parliament, and hon. Members should

remember that they dealt with very trivial matters. Moreover, if inserted in the Act itself, it would be impossible to vary the rules, if there were a necessity for it, without a fresh Act.

SIR HENRY JAMES thought that, in this case, the rules were too technical for the Committee to enter into them. Still, he thought the House had grown too much into the habit of delegating its powers to others. The Home Secretary had stated that in the Judicature Act power was given to the Judges to frame rules. He might say that in the Act of 1875 the rules were inserted, but that in 1876 a power was given to the Judges to make rules, which power they had exercised in such a manner as to entirely alter the spirit of the Act. In such technical matters as the present Act dealt with, he thought that it was better to give the Lord Chancellor power to make the rules. He noticed that the rules were to come into operation before they were laid upon the Table of the House. That should be altered, so that the House might have an opportunity of discussing the rules before they came into operation.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) observed, that the matter had been fully considered. What had been done arose from the necessity of the case in making some provision for what must be done before Parliament met.

Motion, by leave, *withdrawn*.

Clause *agreed to*, and *added* to the Bill.

Clause 30 (Power to provide place for holding petty sessions), *agreed to*, and *added* to the Bill.

PART II.

Amendment of Procedure.

Clauses 31 to 38, inclusive, *agreed to*, and *added* to the Bill.

On the Motion of Mr. ASSHETON CROSS, Clause 39 (Pleadings and forfeitures) verbally *amended*, and *added* to the Bill.

Clauses 40 to 42, inclusive, *agreed to*, and *added* to the Bill.

Clause 43 (Procedure on the execution of distress warrants).

SIR HENRY JAMES moved, as an Amendment, in page 25, line 31, to

Mr. Assheton Cross

leave out the word "warrant," and insert the words "making of the distress."

Amendment *agreed to*; words *substituted* accordingly.

MR. GREGORY moved, as an Amendment, in page 26, line 5, after the word "distress," to insert the word "wilfully."

Amendment *agreed to*; word *inserted* accordingly.

Clause, as amended, *agreed to*, and *added* to the Bill.

Clauses 44 to 46, inclusive, *agreed to*, and *added* to the Bill.

PART III.

DEFINITIONS, SAVINGS, AND REPEAL OF ACTS.

Special Definitions.

Clause 47 to 49, inclusive, *agreed to*, and *added* to the Bill.

General Definitions.

Clause 50 *agreed to*, and *added* to the Bill.

Application of Acts.

Clause 51 *agreed to*, and *added* to the Bill.

Savings and Construction.

Clauses 52 and 53 *agreed to*, and *added* to the Bill.

Clause 54 (Application of Act).

SIR HENRY SELWIN-IBBETSON moved, as an Amendment, in page 32, line 4, to leave out from the word "recovered" to the word "under" in line 7.

MR. HOPWOOD objected to the omission of those words. A very strong feeling was entertained by all Members of the Select Committee, except right hon. Gentlemen representing Departments, with regard to this matter. He hoped the Committee would pardon him for a moment, while he explained the subject. The Bill, as drawn up, gave the magistrates power in every case, including those relating to Her Majesty's Revenue, supposing they thought fit to exercise their discretion, and even although they were of opinion offences had been committed, to refrain from convicting the person charged. The Bill

gave the Justices the widest powers for a merciful dispensation of justice. At the present time, when a man was brought before the magistrates, charged with some offence against the Revenue, if the offence were proved, the magistrate had no option but to fine him the full penalty, which usually was very heavy. For some trifling offence against the Inland Revenue or Customs, the penalty would be £100, and the magistrate would have to fine the man that amount, although, if left to himself, he would only have awarded £40 or £50, or some less sum. The whole object of the Bill was addressed to giving the magistrate an option as to the infliction of the maximum amount of penalty, and they were required to use their good sense and rely upon their judgment in altering the penalty below the maximum. They might, however, inflict the maximum penalty, or go down to the other end of the scale. The Amendment which had been proposed by the hon. Gentleman the Secretary to the Treasury would have the effect of taking the Inland Revenue and Customs cases in this respect entirely from the power of the magistrates. A magistrate would have no option, but would be bound by the particular Statute under which the penalty was recoverable to commit the injustice of imposing it. He did hope in a Committee like that, where the Magisterial Bench was so numerously represented, a protest would be made against the refusal to trust it with the power to exercise discretion in these matters. No doubt, the answer to this would be that the Revenue must be protected, and that in all cases where the Revenue was concerned the matter should be left in the hands of the Revenue authorities alone. But he would strongly urge that if the magistrates were to have a discretion in such important matters as those dealing with the liberty of the subject, that discretion should be extended to cases where it was most needed, and enable them to have a power to abstain from the infliction of the full amount of penalties which they considered excessive.

SIR HENRY SELWIN-IBBETSON must press the Committee to strike out the words, the omission of which he had moved. He might say that they were not in the original draft of the Bill, and only put in the amended copy. If the

words were left in the Bill, there would be great difficulty in carrying out the working of the Revenue Departments of the country. It would introduce too great an element of uncertainty into the Revenue, if all these cases were left to the decision of the magistrates. Were that done, the supposed uniformity of procedure under the present system would be at once destroyed. Another point was that costs in Excise cases were not recoverable, and he did not think that they should be made so. In every case of an Excise penalty, the duty was included in the penalty, which was fixed at a high amount in reference to the damage which was inflicted upon the Revenue by the offence. The magistrates could not be so conscious of the danger to the Revenue as those who had to deal with it; and it was, therefore, highly desirable to leave those matters entirely in the hands of the Revenue authorities. Then, again, taking the Custom House, there was a system in use which they did not propose to repeal, and there would be two systems at work at the same time under which these amounts might be collected. There would also be one system in use in Scotland, another in Ireland, and another in England. In Scotland and Ireland the Excise officer would be working under the old system, whereas in England the penalties would not be certain, by virtue of the clause. He thought that the danger to the Revenue would be very considerable if the infliction of those penalties was left to the decision of the magistrates; and he therefore hoped that the Committee would not assent to the proposal of the hon. and learned Gentleman the Member for Stockport.

SIR HENRY JAMES observed, that this question was before the Select Committee, and was fully discussed by them. They determined that the Bill ought to stand as it was now. The Bill was a Government measure, brought in by the Home Secretary; the Committee was now, therefore, asked to reverse both the decision of the Select Committee and of the Government upon this matter. Although they had not been asked to give the magistrates a discretion in such important matters as the liberty of the subject, yet, when they came to offences against the Revenue, they were told that the magistracy could not be trusted to exercise a proper discretion in those

matters. The Government would be guilty of great inconsistency, unless it either gave the magistrates the same discretion in all cases, or else struck out the 16th clause altogether. The magistrates should either have the same discretion in all cases, or they should not be allowed to have the power in any case to say—"Although, technically, an offence has been committed, we do not think fit to award any punishment." It was in these Revenue cases, above all others, that the magistrates were continually saying—"We deeply regret that we are compelled to inflict this penalty—it is by virtue of an old Statute, which gives us no option in the matter; you must apply, by memorial, to the Department for a reduction of the penalty." But the Department now came and said—"Reverse the decision of the Select Committee, and give us this provision depriving magistrates of the power given them by the 16th clause in matters of much more importance." Under these circumstances, he trusted his hon. and learned Friend would take a Division on the point.

Mr. DILLWYN wished to give an instance of the necessity for this discretion being exercised by the magistrates in Revenue cases. A case was once brought before him, as a magistrate, of some persons charged with smuggling. A vessel had been boarded, and a seizure made, under somewhat mitigating circumstances. Still, he had no option but to inflict fines amounting to £1,500, a most preposterous sum.

Mr. TORR stated that at Liverpool the necessity for the Bench having some discretion was much felt. He was strongly in favour of the clause remaining in its present shape.

Mr. MORGAN LLOYD said, that the observations of the hon. Gentleman the Secretary to the Treasury (Sir Henry Selwin-Ibbetson) went a great deal further than he seemed to think. If there were, as he said, danger to the Revenue in giving the magistrates a discretion in these cases, then there was danger in allowing the magistrates to adjudicate at all on Revenue questions. He could not see why, if the magistrates were empowered to adjudicate on Revenue matters, they should not have the same discretion as was given to them in other cases to regulate the punishment. Either they should take away from them

the right to adjudicate at all, or else they should give them a certain amount of discretion as to the penalties they were to inflict. Otherwise, they were placing the magistrates in an invidious position by forcing them to inflict penalties which in their consciences they knew to be too severe. He hoped the Amendment of the Government would be withdrawn, for the only argument that had been advanced in its favour would go a great deal farther than was proposed.

SIR WALTER B. BARTELOT said, that the question before the Committee was a very curious one. On all punishable offences the magistrates were allowed by the Bill great latitude; but when they came to touch what were called Revenue questions, no discretion whatever was to be allowed. This was not the first time that the Revenue had been treated in this exceptional manner. He thought that it was fair and right to trust the magistrates in this matter as in others. There was no doubt that very great injustice had frequently been done in those cases, simply because the magistrates were unable to help themselves. They had been obliged to inflict the fines, which they had no power to remit or reduce. If trusted at all, the magistrates should also be trusted in this instance. After the Bill had been so carefully considered by the Select Committee, and this clause bringing Revenue questions within the magistrates' discretion had been inserted by them in the Bill, he thought the Committee should accept it.

EARL PERCY observed, that the hon. and learned Member for Taunton (Sir Henry James) had compared this clause with the 16th clause. He regretted that he did not divide the Committee upon that clause; for if he had, he should have voted with him. Speaking with very great diffidence—for he had not had very much experience in these matters—he could not but think that it would be the better course for the hon. and learned Member to raise the objection he did before to the 16th clause upon Report. It seemed to him that it would be better to raise the whole question of the desirability of vesting this discretion in the magistrates by objecting to the 16th clause rather than to take the opinion of the Committee upon a clause which was at variance with the principle of the 16th clause.

Sir Henry James

SIR RAINALD KNIGHTLEY was in favour of the magistrates having a discretion in all cases.

MR. COLE remarked that this was not a Bill to increase Her Majesty's Revenue. The Bill professed to be for the purpose of giving the magistrates certain increased jurisdiction in criminal cases; but it seemed that, according to this Amendment, it was to be a Bill to facilitate the collection of Revenue. Unless the hon. Gentleman would consent to the repeal of the 16th clause, he should strongly object to the omission of the words proposed to be left out from this clause.

THE CHANCELLOR OF THE EXCHEQUER must remind hon. Members that the Revenue was an abstraction for which no one felt any sympathy. He believed that there was very widely spread throughout this country a feeling that offences against the Revenue were of a more venial and trivial character than offences against the person or property. It did not surprise him that the Treasury, who had been under the necessity of calling the attention of the Committee to the consequences of the legislation which was now proposed, should find that it was in a minority, as it evidently was, upon this question. After the expression of opinion, first from the Select Committee, and now from the Committee of the House, it would be useless to put hon. Members to the trouble of a Division. At the same time, he was bound to say, as his hon. Friend the Secretary to the Treasury had already said, they considered that in taking this step they were putting the Revenue to a by no means inconsiderable inconvenience.

Amendment, by leave, *withdrawn*.

Clause *agreed to*, and *added* to the Bill.

Repeal.

Clause 55 (Repeal of Acts) *agreed to*, and *added* to the Bill.

MR. COLE, in moving the insertion of a new clause, said, its object was to protect Clerks of the Peace who held a freehold office on their appointment. Everyone knew that this Bill, if passed into law and carried into operation, would have the effect of depriving Clerks of the Peace appointed since 1855 of a great number of the fees which they now en-

joyed. Gentlemen accepting the office of Clerk of the Peace gave up everything else and devoted their whole time to it. Within his knowledge gentlemen belonging to his own Profession had given up practice and accepted offices of this kind under the express understanding that they would continue always to receive certain fees which those offices entitled them to. The effect of the present Bill would be to deprive those gentlemen of a large portion of their income. With regard to the Clerk of the Peace for Middlesex, if the Bill passed in its present form he would lose between £500 and £600 a-year, and those fees would go into the pockets of the Clerk to the Justices. It was the same with regard to other Clerks of the Peace. There was ample precedent for the introduction of a clause protecting the rights of Clerks of the Peace; and he hardly thought it could be the intention of the Government to deprive those gentlemen of so large a portion of their emoluments and to give them no compensation. The clause he should propose would only give them compensation during their lives, and when they died out the payments would cease, as, of course, in all fresh appointments, the gentlemen accepting the offices would take them with no right to anything more than they would then be entitled to under the present Bill; but it was extremely hard that gentlemen who had accepted office under the old system should be deprived of a large portion of their emoluments without compensation. He might say that he had numerous authorities in former Acts where similar provisions had been inserted protecting the interests of those affected. The only Act, however, to which he would refer particularly was 14 & 15 *Vict.*, c. 55, s. 9. He begged to move the insertion of a clause providing for compensation to the Clerks of the Peace who would be deprived of their fees by the Act.

MR. ASSHETON CROSS said, that, in his opinion, Clerks of the Peace had no vested right to the fees of which the Act would deprive them. He was aware that in some Acts passed some time ago a clause similar to that moved by the hon. and learned Member had been inserted; but he (Mr. Cross) entirely differed from the reasons put before the Committee for inserting the clause in the present Bill. Although the Bill

would have the effect of making some cases which were now tried at Quarter Sessions before a jury be in the future disposed of in Petty Sessions, yet, probably, a great many fresh cases would go before a jury at Quarter Sessions, and appeals would be brought in the Quarter Sessions. He might say that those gentlemen had never rendered the slightest account of the fees which they received from various sources. Moreover, in the Bill before the Committee, it was proposed to bring many cases to the Quarter Sessions which were now triable only at Assizes. If, therefore, any compensation were to be given to the Clerks of the Peace for the fees which they would lose under the Bill, it would also be necessary to ask them to disgorge the fresh profits they would make by it. To his mind, Clerks of the Peace had no kind of vested right in these fees. They had a vested interest in their offices to do all the duties that that House imposed upon Quarter Sessions—no more, and no less. If the duties were added to or diminished it was immaterial, for they had no vested interest in the business put before them.

SIR HENRY JAMES would advise his hon. and learned Friend to withdraw his proposed clause, as he would have a much better chance of bringing it up on the Report, if there were a good case in favour of the Clerks of the Peace.

MR. MORGAN LLOYD also had a clause to the same effect as that already moved, but in different terms. He was quite willing to take the course suggested by the hon. and learned Member for Taunton (Sir Henry James), and bring his clause forward upon Report. When both clauses were printed, hon. Members would be better able to judge which clause they preferred.

MR. COLE said, he would withdraw his clause upon that occasion, as that course was considered advisable, and bring it up upon the Report. He was somewhat surprised at the opinion expressed by the right hon. Gentleman the Home Secretary that Clerks of the Peace were not entitled to compensation. He would point out, with reference to the right hon. Gentleman's remarks, that these gentlemen only wished to obtain compensation for what they would lose by the proposed alteration of the law. Most Clerks of the Peace were now paid by salaries, and very few were still

paid by fees. That made the case of those few the stronger, and on their behalf he wished to add to the Act, which would deprive them of a portion of the remuneration they derived from fees, a clause which would, in some way, compensate them for what they lost.

Clause, by leave, *withdrawn*.

Schedule 1.

MR. PAGET moved, as an Amendment, in pages 34 and 35, in the heading, to leave out the words "children or."

MR. HICKS did not think that at that late hour they should be called upon to go into these Schedules, which proposed to extend the power of the magistrates to a much greater length than at present. He would move to report Progress.

MR. ASSHETON CROSS trusted that the Committee would go on and finish the Bill. Every question could be raised upon Report, and he did not think that any member of the magistracy would say that the Bill placed anything in their hands which they were not competent to deal with. He had been asked the object of the Bill; and he might say, briefly, that its object was to enable the magistrates to dispose of numbers of those petty cases which now went before Quarter Sessions.

Motion, by leave, *withdrawn*.

SIR WALTER B. BARTELOT observed, that the magistrates now had the power given them of dealing with many cases summarily by penalty; and it was a question which he thought ought to be carefully considered and enunciated by the right hon. Gentleman the Home Secretary how far magistrates ought to go in that direction. The first line of the Schedule was somewhat indefinite in giving jurisdiction to impose a penalty for the offence of simple larceny when, in the opinion of the magistrate, the value of the property stolen did not exceed 40s. He supposed that by that was meant such cases as an old woman stealing a bundle of faggots; but he considered that it should be made more explicit.

MR. ASSHETON CROSS stated that the magistrates would still have a discretion to send cases of simple larceny to trial.

Amendment *agreed to*; words *struck out* accordingly.

Mr. Assheton Cross

Schedule *agreed to*, and *added to the Bill*.

Remaining Schedule *agreed to*, and *added to the Bill*.

House resumed.

Bill *reported*; as amended, to be considered upon *Monday* next, and to be *printed*. [Bill 169.]

COURTS OF JUSTICE BUILDING ACT (1865) AMENDMENT BILL.—[BILL 166.]

(*Sir Henry Selwin-Ibbetson, Mr. Gerard Noel.*)

SECOND READING.

Order for Second Reading read.

MR. DILLWYN thought the House should have some explanation with regard to the great increase in the cost of these buildings.

SIR HENRY SELWIN-IBBETSON said, that the Bill had been introduced to remove certain difficulties that had been experienced in carrying out the Courts of Justice Building Act, 1865. The cost of the buildings was originally estimated at £1,500,000, and that sum was nearly paid by the money voted by Parliament at the time. Afterwards, it was to be paid to the extent of £20,000 by the estimated value of the then existing Courts; partly from a fund belonging to the Chancery suitors, and partly by a tax to be levied on the suitors using the building. Portions of the buildings were now in use, and it became necessary to levy the fees for the use of the building. The fusion of the Court of Chancery in the High Court of Justice had done away with the accuracy of the returns supplied originally, and there was some difficulty as to whether the fees that were now to be raised would have to be levied on a portion of the suitors only, or upon all using the new Courts. The Bill was to remedy these difficulties, and especially those that had been found to arise from the Act of 1865.

MR. WHITWELL remarked, that the Bill gave power to the Lord Chancellor, by his own will, without laying the rules he proposed before Parliament, to raise money by increasing the fees of suitors. That was a very great power to be given, for anyone to have absolute discretion over these fees without consulting Parliament; and it seemed to

him, therefore, that the Bill involved a principle of considerable magnitude.

Bill read a second time, and *committed for Thursday*.

BLIND AND DEAF-MUTE CHILDREN (EDUCATION) BILL.—[BILL 93.]

(*Mr. Wheelhouse, Sir Andrew Lusk, Mr. Scott, Mr. Isaac, Mr. Benjamin Williams.*)

CONSIDERATION, AS AMENDED.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into consideration."—(*Mr. Wheelhouse.*)

MAJOR NOLAN, who had an Amendment upon the Paper to the effect, "That it be considered upon this day six months," said, he was willing, if the House would permit him, to withdraw it, and allow the hon. and learned Member opposite (*Mr. Wheelhouse*) to forward the Bill a stage that night.

MR. SPEAKER said, that as an Amendment to the Motion stood on the Order Book, the half-past 12 Rule absolutely precluded the Bill being taken.

Question put, and *negatived*.

Consideration, as amended, *deferred till To-morrow*.

INCLOSURE PROVISIONAL ORDER (MATTERDALE COMMON) BILL.

On Motion of Sir MATTHEW RIDLEY, Bill to confirm the Provisional Order for the regulation of certain Lands forming part of Matterdale Common, and situated in the parish of Grey-stoke, in the county of Cumberland, and the Provisional Order for the Inclosure of certain other Lands forming the remainder of the same Common, and situated in the same parish, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered to be brought in by Sir MATTHEW RIDLEY and Mr. Secretary Cross.*

Bill *presented*, and read the first time. [Bill 171.]

INCLOSURE PROVISIONAL ORDER (REDMOOR AND GOLBERDON COMMONS) BILL.

On Motion of Sir MATTHEW RIDLEY, Bill to confirm the Provisional Order for the inclosure of certain lands known as Redmoor and Golberdon Commons, situate in the parish of South Hill, in the county of Cornwall, in pursuance of a Report of the Inclosure Commissioners for England and Wales, *ordered to be brought in by Sir MATTHEW RIDLEY and Mr. Secretary Cross.*

Bill *presented*, and read the first time. [Bill 172.]

MR. CLARE READ was very glad the attention of his right hon. Friend had been called to the matter, for he remembered perfectly well that it was the opinion of the Committees which inquired into the Cattle Diseases Acts that the Irish Veterinary Department, some years ago, was both undermanned and underpaid. He saw that there had been a very considerable increase in the number of Inspectors; but if the inspection in Ireland was to be of any use at all, it must be very much better than it had been in previous years. He believed that, as a rule, veterinary surgeons did not abound in Ireland, and that a good many had been imported from England; but he had also heard that one or two young vets who had gone over there were so badly paid that they were obliged to come back.

MR. SHAW believed that the inspection at the ports was very efficient; but in the country districts it was very difficult to get Inspectors, from the want of knowledge of diseases of animals which prevailed. He would suggest to the right hon. Gentleman the Chief Secretary for Ireland that he should make the Irish Veterinary Department a teaching Department. At present, there was no school of veterinary teaching whatever in Ireland. In the County of Cork they were trying to do something in connection with the medical schools which the Government were going to establish, in order to teach veterinary science to the farmers. A very few thousands a-year would establish a school of veterinary science, for the county gentlemen were quite ready to come forward with a supplementary grant. He did not believe the Government could spend money more usefully, and they would also prevent the shipment of diseased cattle. Very often, he believed, such cattle were sent to the port through pure ignorance of what was the matter with them on the part of their owners.

MR. WHITWELL said, he did not wish to press his Motion; but he might say that he was well acquainted with this subject, and was sure that if it were investigated by the right hon. Gentleman the Chief Secretary for Ireland, he would come to the same opinion upon it as he (Mr. Whitwell) had done.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. O'SHAUGHNESSY said, that the question involved in the consideration of the Vote was a very large one, and unless the Government would pass it over, he should move to report Progress.

MR. J. LOWTHER thought that the Vote had been sufficiently discussed.

MR. O'SHAUGHNESSY said, that, under those circumstances, it only remained for him to move to report Progress. If they were to go into the matter fully, there would be no possibility of the discussion being finished under two or three hours. Moreover, two or three other Votes would cause a similar discussion.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. O'Shaughnessy.)

MR. J. LOWTHER hoped the hon. and learned Member would not strive to postpone the Vote. It was an annual Vote, and he was not aware of any new matter that had arisen in connection with it. As he had heard no arguments in favour of reporting Progress, he really could not consent to the Motion.

MR. O'SHAUGHNESSY declined to withdraw the Motion.

MR. MITCHELL HENRY observed, that some Votes following this would also require considerable discussion. Everyone who knew the hon. and learned Member for Limerick (Mr. O'Shaughnessy) was aware that he never took objections unless they were well-founded, and for the purpose of obtaining proper criticism. The Chief Secretary for Ireland had now, in effect, classed the hon. and learned Member amongst those who wilfully obstructed Business; and, therefore, he should support his hon. and learned Friend in his opposition to going further. He thought the time had come when the Committee was well justified in reporting Progress.

MR. O'SHAUGHNESSY was firm in his wish to report Progress. He made the Motion for the purpose of recalling the attention of the Committee to the fact that on a previous occasion the right hon. Gentleman the Chief Secretary for Ireland, while objecting to the

of this right is a matter which depends on the Sultan alone. Even supposing the Sultan was so misguided—which I cannot imagine—as to wish to renounce this right, which is of considerable value for the purpose of defending his Dominions, he could not renounce it without the consent of the other Powers who were parties to the Treaty of Berlin.

SUPPLY OF DRINK ON CREDIT BILL.

PRESENTED. FIRST READING.

EARL STANHOPE, in presenting a Bill to consolidate and amend the Law relating to the Supply of Intoxicating Drinks on Credit, said, that the Select Committee of their Lordships' House had neither examined witnesses nor reported on this particular point. It was only the fringe of a great question; and though he did not believe in legislation as a cure for the drunkenness of the country, still it occasionally might remove temptations out of the way of those who frequented public-houses. The provisions of the Act of 24 Geo. II. c. 40, which applied to England and Scotland, were confined to cases in which credit was given for spirits of less value than £1 supplied anywhere, or of less quantity than a reputed quart delivered at the purchaser's residence. That Act was made more stringent by the 25 & 26 Vict. c. 38, under which publicans taking pledges for drink were liable to a penalty. Both Acts were, however, silent as to loans, promissory notes, or securities; and also as to wines and all intoxicating drinks other than spirits. On the other hand, the County Courts Act, 1867, did extend to loans and securities; but was equally silent as to loans and pledges, and to wines and other intoxicating drinks. In Scotland the law was the same as in England, except that the County Courts Act, 1867, did not extend to that Kingdom. In Ireland matters of that kind were regulated by 55 Geo. III. c. 19, the enactments of which were confined to spirits of less quantity than two quarts. In that country, as in England and Scotland, publicans were liable to a penalty for taking pledges; but, unlike the law applying to England and Scotland, the Act applying to Ireland provided that unlicensed retailers of intoxicating drink of any value were deprived of right of action for debts incurred for drink, and employers

were subject to a penalty for paying workmen in a public-house. The object of the present Bill was to consolidate and make uniform throughout the United Kingdom the enactments which related to the sale of intoxicating drinks on credit. By the 9th and last clause in the Bill, he proposed to introduce a new system into the English law—namely, to make a penalty on paying wages to workmen in a public-house where intoxicating drinks were sold by retail. The practice of paying wages at a public-house was radically wrong, as it placed a premium on workmen immediately spending their money in drink either "for the good of the house," or in treating friends. It might be said that there would be difficulties in carrying out this provision; but in Ireland it was already the law, and surely in England it would be far easier than in Ireland to find other places than public-houses to pay wages in.

Bill to consolidate and amend the enactments which relate to the Supply of Intoxicating Drinks on Credit—*Presented* (The Earl STANHOPE); read 1st; and to be printed. (No. 84.)

House adjourned at a half past Five o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 13th May, 1879.

MINUTES.]—NEW WRIT ISSUED—For Lime-
rick City, v. Isaac Butt, esquire, deceased.
SELECT COMMITTEE—Law of Libel, Mr. Egerton
Hubbard and Mr. Blennerhassett added.
SUPPLY—considered in Committee—Resolutions
[May 12] reported.
PRIVATE BILL (by Order)—Select Committee—
Report—Thames River (Prevention of Floods)
[No. 178].
PUBLIC BILLS—Ordered—First Reading—Local
Government (Ireland) Provisional Orders
(Killarney, &c.) * [178].
First Reading—Rivers Conservancy * (175);
Elementary Education Provisional Order Con-
firmation (London) * [176]; Elementary
Education Provisional Orders Confirmation
(Brighton and Preston, &c.) * [177].
Second Reading—Local Government (Poor Law)
Provisional Orders * [155].
Committee—Report—Bills of Sale (Ireland) *
[45]; West India Loans * [167].

PRIVATE BUSINESS.**CITY OF LONDON SCHOOL BILL. [Lords.]**

MR. RAIKES said, that a Motion stood in his name upon the Paper in regard to this Bill. He need only say that this was a Bill which raised a rather important question as to the site of the City of London Schools. It was promoted by the Corporation of London; but certain objections were taken to it by the Charity Commissioners. He begged to move—

"That the City of London School Bill be referred to a Select Committee, Three to be nominated by the House, and two by the Committee of Selection.

"That all Petitions against the Bill, presented on or before the 17th instant, be referred to the Committee, and that such Petitioners as pray to be heard by themselves, their Counsel, or Agents, be heard upon their Petitions, if they think fit, and Counsel heard in favour of the Bill against such Petitioners.

"That the Committee have power to send for persons, papers, and records:—That Three be the quorum."

Motion agreed to.

QUESTIONS.**CRIMINAL LAW—CASE OF JOHN STANLEY.—QUESTION.**

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether he is aware that a cabman, named John Stanley—who was convicted at Beaumaris on a charge of assault upon a policeman, on whose sole evidence the sentence of six months' imprisonment was passed, and whose evidence was subsequently proved to be perjured, in consequence of which Stanley was released by an order from the Home Office—is at present precluded from obtaining any redress for the wrong done him in consequence of the judges having come to no conclusion, after several months, in the case of *The Queen v. Hughes*, Hughes being the policeman on whose testimony Stanley was convicted, and who now seeks a reversal of his own conviction for perjury on the ground of an original informality in the warrant obtained by him against Stanley; and, whether he will cause inquiry to be made with a

view of obtaining some compensation for the injury Stanley has suffered?

SIR MATTHEW WHITE RIDLEY, in reply, said, it was perfectly true that a man named John Stanley was convicted last year on a charge of assaulting a policeman on the sole evidence of that policeman; it was subsequently proved that the evidence was perjured; and on the recommendation of the learned Judge who tried the case John Stanley was released from prison. The Home Office had no means of knowing whether an action such as that referred to by the hon. Member was pending, and had no power to force the Judges to come to a decision upon it. With reference to compensation, it was open to Stanley to proceed against the policeman for damages if he felt that he was entitled to them.

UNCERTIFICATED LEGAL PRACTITIONERS—(SCOTLAND).—QUESTION.

MR. MACKINTOSH asked the Lord Advocate, If his attention has been directed to the number of uncertificated legal practitioners in Glasgow and other towns in Scotland, and whether he will give orders to have the laws as to admission and annual licence enforced?

THE LORD ADVOCATE (MR. WATSON): Sir, I have a good deal of information to the same effect as that contained in the Question of the hon. Member. If I were simply to reply to the Question in the affirmative, it might be misleading. According to the law of Scotland, no man is entitled to practise as an agent in any Court unless he is possessed of certain qualifications, and those who practise without these qualifications render themselves liable to penalties. Then, as to persons practising as conveyancers, they are required to take licences, or they render themselves liable to heavy penalties. Whenever infractions of the law in either of these respects have been brought to my attention, I have always directed a prosecution to be instituted. There is, however, a third class, regarding whom my information is that, not professing to be lawyers, they at the same time profess to give legal advice on very moderate terms. As the law of Scotland at present stands, no penalty is incurred by those so acting unless they are guilty of misrepresenting their own character or position.

EAST INDIA (DUTIES ON COTTON GOODS)—GOVERNMENT OF INDIA ACT, 1858.—QUESTION.

SIR WILLIAM HARCOURT asked Mr. Chancellor of the Exchequer, Whether in the communications sent to the Viceroy of India by the Secretary of State, in relation to the repeal of the Cotton Duties, the provisions prescribed by "The Government of India Act, 1858," were observed, which require, by section 24—

"That any communication proposed to be sent to India, unless the same has been submitted to a meeting of the Council, shall be placed in the Council Room for the perusal of all Members of the Council during seven days before the sending thereof, in order that any Member of the Council may record in the Minute Book his opinion with respect to such communication ;"

or by the further provision in section 26, that—

"When the despatch of any communication appears to be urgently required, the urgent reasons for sending the same, without depositing it for seven days in the Council Room, shall be recorded by the Secretary of State, and notice thereof given to every Member of Council ;"

whether it is claimed that the communications in reference to such a matter come within the exception in section 29 as to the subjects which before that Act were transacted by the Secret Committee of the Court of Directors ; and, if that is not so, whether he will state why the provisions of the Act before referred to have not been complied with ; and also what are the dates of the receipt of the communications from the Viceroy on that subject and of the replies of the Secretary of State ; and whether those communications will be presented to this House ?

THE CHANCELLOR OF THE EXCHEQUER : Sir, I have communicated with my noble Friend the Secretary of State for India upon this subject, and he informs me that it was not his intention to send, and it is not his opinion that he did send, any order or communication to India within the meaning of the section of the Government of India Act referred to. The telegrams in question were sent in reply to a telegraphic inquiry from the Viceroy, and they bore a heading which, according to an understanding between the last two Secretaries for India—the Duke of Argyll and the Marquess of Salisbury—as well as the

present Secretary and the Viceroy, show them to be of the nature of a private letter. The telegram sent by the Secretary of State in no way committed the Council to an approval of what was done. These communications will not, of course, be laid on the Table of the House.

SIR WILLIAM HARCOURT : In consequence of the answer of the right hon. Gentleman, I beg to give Notice that, on an early day, I will call attention to the manner in which the design of Parliament in providing a Council, both in India and in England, composed of men experienced in Indian affairs, as advisers and checks upon the Administration, and particularly on measures relating to finance, have been evaded and defeated by the action of the Viceroy and the Secretary of State for India.

ARMY—60TH RIFLES—COURT MARTIAL. QUESTION.

MR. FRENCH asked the Secretary of State for War, Whether he will take steps to obtain copies of the evidence produced at the trial by Court Martial of a sergeant of the 60th Rifles for retiring a picket without the order of his officer on an alarm of the enemy, at which he was sentenced to five years' penal servitude and reduction to the ranks ?

COLONEL STANLEY, in reply, said, he was informed that the proceedings of the court martial on a sergeant of the 60th Rifles would be forwarded for the information of His Royal Highness the Commander-in-Chief. The proceedings of courts martial were held to be privileged.

SOUTH AFRICA—THE TRANSVAAL. QUESTION.

SIR GEORGE CAMPBELL asked Mr. Chancellor of the Exchequer, When he proposes to ask for the £69,000 expended in the Transvaal in addition to the Grant in the past year ; whether Her Majesty's Representatives in Africa have authority to spend any more British money on the Transvaal Administration in the present year ; and, if so, when Estimates for that will be presented ; and when a Statement showing how the money has been expended will be presented ?

THE CHANCELLOR OF THE EXCHEQUER : Sir, with regard to the £69,000

expended in the Transvaal in a former year, I think in 1877-8, that money was expended out of the Army Fund in respect of services in the nature of Army services connected with the annexation of the Transvaal. I have not at this moment a Statement of the application of the money; but I will inquire of the War Office, and, if possible, it shall be furnished. The money was expended out of the Army grant, and the account of that grant has been before the Controller and Auditor General, and has been passed by him; and as there was no excess found, no grant has had to be asked for. With regard to the second Question, Her Majesty's Representative in South Africa has no authority for spending any British money in the administration of the Transvaal in the present year; but, if necessary, of course, an Estimate would be submitted. The only exceptional case might be that in the event of any serious military emergency he might, upon his own responsibility, draw on the Treasury chest, and in that case the funds would have to be supplied. No expenditure can be incurred in the administration of the Transvaal without the previous sanction of the Home Government.

SIR GEORGE CAMPBELL asked, If there would be any expenditure this year?

THE CHANCELLOR OF THE EXCHEQUER: Perhaps the hon. Baronet will give Notice of that Question.

THE SUGAR INDUSTRIES—THE SELECT COMMITTEE.—QUESTION.

MR. RITCHIE asked Mr. Chancellor of the Exchequer, Whether, seeing that the House of Commons and the Government have approved of the appointment of a Select Committee to inquire into the Sugar Industries, and that the Secretary of State for Foreign Affairs has officially intimated that Her Majesty's Government have decided to make no further representations on the subject to Foreign Governments until the Select Committee has reported, he will afford me facilities for nominating the Committee, as, in consequence of notice of opposition to the nomination of the Committee having been placed on the Paper, it is rendered practically impossible, without the assistance of the

Government, to carry out the decision of the House?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he regretted very much that any impediment had been thrown in the way of proceeding to the appointment of the Select Committee with reference to these duties. He did not quite understand upon what ground the opposition which he saw was offered to the nomination of the Committee by his hon. Friend the Member for Nottingham (Mr. Isaac) rested. He thought that was the only opposition which was now offered, and it would be hardly fair if the matter were brought on at a period of the evening when it would not be possible to discuss it. It would not be easy, and would probably cause some inconvenience, if he were to propose to alter the other Business in order to take the Motion for nominating this Committee. He therefore trusted that his hon. Friend might be able to arrange that the Notice of the Amendment might be taken off the Paper.

MR. RITCHIE asked the hon. Member for Nottingham if he should persist in his opposition?

[No reply was given.]

EGYPT—FINANCIAL CHANGES—DISMISSAL OF MR. RIVERS WILSON AND M. DE BIGNIÈRES.

QUESTION.

MR. E. JENKINS asked the Under Secretary of State for Foreign Affairs, Whether, although Mr. Rivers Wilson has been withdrawn from Egypt, the French Government has not declined to withdraw M. de Bignières; whether the idea of any joint action in regard to Egyptian affairs between the English and French Governments has been abandoned; and what, if any, difference existed in the grounds on which the application of the Khedive for permission to be granted by the French and English Governments respectively to Messrs. Wilson and de Bignières to accept office in Egypt was assented to by those Governments?

MR. BOURKE: Sir, I shall be very happy to give a definite answer to the second Question of the hon. Gentleman the Member for Dundee. The hon. Member asks me whether the idea of any joint action with France in relation to Egyptian affairs has been abandoned.

The Chancellor of the Exchequer

I beg to reply that the idea of joint action in regard to Egyptian affairs has not been abandoned. With regard to the other Question on the Paper of the hon. Member, I must inform him that the Question relates to the action and motive of the French Government, and, although we are most happy to give every information we can with regard to the proceedings of Her Majesty's Government, it would be impossible for us to adopt the same rule in regard to the proceedings of a foreign Government.

INDIA (FINANCE, &c.)—THE INDIAN BUDGET.—QUESTION.

THE MARQUESS OF HARTINGTON wished to put a Question to the right hon. Gentleman the Chancellor of the Exchequer with reference to a conversation that took place yesterday regarding the Indian Budget. The Chancellor of the Exchequer was asked whether he would agree to introduce the Indian Budget on the Motion that the Speaker do leave the Chair, and would allow discussion in the ordinary manner. He understood the Chancellor of the Exchequer to say that he preferred that the statement should be made in Committee on the Resolution referring to the Loan. He wished to ask the Chancellor of the Exchequer, Whether, taking into consideration what had fallen from Mr. Speaker, and also the strong feeling entertained in some quarters of the House upon the propriety of that course, he could see his way to adopt the more ordinary and regular course, and to arrange that the Indian Budget should be made upon the Motion that the House should go into Committee on the Indian Accounts, and not in the exceptional manner which he proposed yesterday?

THE CHANCELLOR OF THE EXCHEQUER said, it was very far indeed from the wish of Her Majesty's Government to proceed in any exceptional manner with reference to the Indian Budget. But what he wished to point out to the House yesterday, and would again remind them of, was this—there was an important financial proposal with reference to India which required the passing of a Bill for the purpose of raising a loan. It was necessary, in the first instance, to have a Committee of the House. In that Committee a Resolution would

be passed upon which the Bill would be founded, which would subsequently pass through all its stages. That was a matter upon which there would naturally be some discussion, and he observed that the hon. Member for Kirkcaldy (Sir George Campbell) had given Notice to raise the question of the amount of the loan in that stage of the preliminary Committee, not upon the Loan Bill itself; and, therefore, he (the Chancellor of the Exchequer) was afraid that if they proceeded first by taking a discussion upon the Budget that, possibly, would run even more than one night upon Indian Finance generally, and were not allowed to make any progress with the Loan Bill, considerable delay would occur. If he could see his way to any arrangement by which that might be avoided, he should be very glad to make an arrangement. He would suggest that after the discussion had taken place on the Indian Budget, and the House had decided upon the Motion of the hon. Member for Hackney (Mr. Fawcett), they should be allowed to take the preliminary stage of the Loan Bill without further delay and discussion; and if his hon. Friend the Member for Kirkcaldy would postpone till a later stage of the Bill the question which he proposed to raise, he (the Chancellor of the Exchequer) would take care to bring it on at such a time as would afford ample time for discussion. The House would see that, in making this proposal, he wished to deal as fairly as possible with those who were interested in the matter.

SIR GEORGE CAMPBELL said, his difficulty was that the first stage of the Indian Loans Bill would be the passing in Committee of a Resolution to the effect that it was desirable to raise this loan of £10,000,000. This would distinctly pledge the House to the expediency of raising the loan. He was quite willing, however, to agree to the suggested arrangement, provided it was clearly understood that they did not bind themselves to the principle involved in the Resolution, and that he would be at liberty to raise the question of which he had given Notice on the Motion for the second reading of the Bill. He might take this opportunity of saying that if the Resolution of the hon. Member for Hackney (Mr. Fawcett) was moved, inasmuch as it must inevitably be accepted by the Government, he (Sir George

Campbell) would move an Amendment to the effect—

“That this House regards with apprehension the state of the finances of India, and is of opinion that it is not sufficiently controlled, Her Majesty’s Government having disregarded the letter and spirit of the provisions of the Act for the better government of India on that subject.”

THE CHANCELLOR OF THE EXCHEQUER said, the Resolution which the Government would propose would be a Resolution, not to raise £10,000,000, but to raise any sum of money not exceeding £10,000,000. Therefore, the hon. Gentleman would not be compromised by the passing of it.

ARMY—VOLUNTEERING FROM THE MILITIA TO THE LINE.

QUESTION.

COLONEL MURE asked the Secretary of State for War, Whether it is true that volunteering for the Line has been opened within the last few days in various regiments of Militia; and, if that is the case, whether this course has been rendered necessary owing to the youth and want of stamina of the regiments at home which would naturally furnish the reinforcements of the Army in Zululand?

COLONEL STANLEY: It is the case, Sir, that on this, as on some other previous occasions, volunteers from the Militia have been called for to fill up vacancies in certain regiments—in this instance, in the first regiment for foreign service, and in the depôts of regiments serving in the field. The vacancies had been caused by these other regiments having to give up large numbers of men to the regiments serving at the Cape. It has been decided to limit the volunteering to men of 20 years of age. It is with the view undoubtedly, of getting men of a more seasoned nature than the recruits who would naturally come to the Colours, and, to a certain extent, trained men.

COLONEL MURE gave Notice that, on an early day, he should call the attention of the House to the unsatisfactory working of the present short-service system in the Army, to the youth and immaturity of a large portion of the Infantry of the Line, and the consequent difficulty in providing an ample Force for the defence of our Colonial Empire in times of emergency.

Sir George Campbell

PREROGATIVE OF THE CROWN. QUESTION.

MR. FAWCETT said, he rose for the purpose of making an appeal to the hon. Member for Swansea (Mr. Dillwyn) with reference to the Motion which stood in his name for that evening as to the Royal Prerogative. He did not desire at present to say a word as to the merits of that Motion; but he thought he should be expressing the opinion of every hon. Member, when he said that it raised a question of extreme importance and great delicacy. Anyone who knew the hon. Member for Swansea—

MR. E. JENKINS rose to Order. He desired to know whether it was in Order for the hon. Member for Hackney to address an appeal to the hon. Member for Swansea with reference to a Motion now before the House?

MR. SPEAKER: So far as the hon. Member for Hackney had proceeded, I cannot say that he was out of Order.

MR. FAWCETT said, that everyone who was acquainted with the hon. Member for Swansea must be aware that he was the last man who would knowingly place the House in an unfair position to consider such a question; and he appealed to his hon. Friend as to whether he did not think that, in consequence of the course he had adopted in the present instance, the House would not approach the discussion of this question with advantage? What were the facts of the case? Six weeks ago, the hon. Member put a Question to the Chancellor of the Exchequer—[“Order!”]—

MR. SPEAKER: The hon. Member appears to be now entering into the subject of the Motion, and is trenching upon the limits of Order.

MR. FAWCETT said, he only desired to explain the reasons for making his appeal. The Motion of the hon. Member for Swansea had been on the Paper for six weeks, and arose out of a reply which he received to a Question addressed by him to the Chancellor of the Exchequer. Yesterday afternoon, the hon. Member suddenly announced that he was prepared to accept the Amendment of the hon. Member for Dundee (Mr. E. Jenkins), and to embody it in his Resolution. The House was thus placed at once in a difficulty—

SIR ROBERT PEELE rose to Order. Of course, if the hon. Member for Hack-

ney intended to conclude with a Motion, the whole question would be opened at once; but he put it to the Speaker whether it was at all regular for the hon. Gentleman to enter upon the discussion of a matter which was to form the subject of a debate about to take place?

MR. SPEAKER: No doubt, it would be quite irregular for the hon. Member to discuss any portion of the matter embraced within the scope of the Motion which the hon. Member for Swansea proposed to submit to the House.

MR. FAWCETT did not say a word as to the merits or demerits of the Motion. He was merely making a statement of facts. His hon. Friend said he accepted the Motion of the hon. Member for Dundee, and late on the previous evening had given Notice of a Resolution in a materially altered form. Now, what he desired to know was, whether it was not contrary to the ordinary usages of Parliament, and inconsistent with the convenience of the House, that Notice of Motion on a most important and delicate question should be given at so late an hour of the previous evening that it was impossible for hon. Members to see it in print, and, therefore, to give adequate Notice of any Amendments to it which they might wish to move? In these circumstances, and not because he was anxious that the Motion should be indefinitely postponed, he begged to ask his hon. Friend whether he did not think it fair to the House to put off his Resolution for some time longer?

MR. DILLWYN said, he was rather surprised at the appeal which had been addressed to him. His hon. Friend who had just spoken was present when he (Mr. Dillwyn) had the honour of waiting upon Mr. Speaker with reference to the alteration of the Resolution. He found that a misconception had arisen respecting the object of his Motion; and, therefore, he was glad to accept the Amendment of the hon. Member for Dundee (Mr. E. Jenkins), and endeavour to embody it in his Resolution. That Amendment eliminated words which seemed to some hon. Gentlemen objectionable, inasmuch as they appeared to them to reflect upon the action of Her Majesty. The hon. Member for Hackney raised before Mr. Speaker his objection to the alteration of the Motion; but Mr. Speaker's decision was that he (Mr. Dillwyn) was

quite in Order. Under these circumstances, he did not see how he would be placing the House in an unfair position by proceeding with his Resolution, as altered; and he did not feel disposed to respond to the appeal which had just been made to him.

MOTIONS.

PREROGATIVE OF THE CROWN.

RESOLUTION.

MR. DILLWYN, in rising to move—

"That, to prevent the growing abuse by Her Majesty's Ministers of the Prerogative and influence of the Crown, and consequent augmentation of the power of the Government in enabling them, under cover of the supposed personal interposition of the Sovereign, to withdraw from the cognizance and control of this House matters relating to policy and expenditure properly within the scope of its powers and privileges, it is necessary that the mode and limits of the action of the Prerogative should be more strictly observed,"

said, he desired, before entering upon the question which it raised, to disclaim any intention whatsoever of reflecting upon the action of Her Majesty the Queen, who thoroughly understood her duty as a Constitutional Sovereign, and who never interfered improperly in public affairs. He understood that her Majesty always took care to be fully informed of all the proceedings of her Ministers, which she required should not be carried on without her full knowledge and concurrence. In 1852, Lord Palmerston, having altered some despatches, Her Majesty sent a Memorandum to Lord John Russell, who was then Prime Minister. That Memorandum was as follows:—

"The Queen requires, first, that Lord Palmerston will distinctly state what he proposes in a given case, in order that the Queen may know as distinctly to what she is giving her Royal sanction; secondly, having once given her sanction to a measure, that it be not arbitrarily altered or modified by the Minister. Such an act she must consider as failing in sincerity towards the Crown, and justly to be visited by the exercise of her Constitutional right of dismissing the Minister. She expects to be kept informed of what passes between him and the Foreign Minister before important decisions are taken based upon that intercourse; to receive the foreign despatches in good time, and to have the drafts for her approval sent to her in sufficient time to make herself acquainted with their contents before they must be sent off. The Queen thinks it best that Lord John Russell should show this letter to Lord Palmerston."

That Memorandum served to show that Her Majesty identified herself with the acts of her Ministers; but she, at the same time, knew it was right and proper not to take action without her Ministers. It would be seen, from the last volume of the *Life of the late Prince Consort*, that a letter of his to the French Emperor, which had been characterized by the writer as "a long and friendly chat," had been submitted in the usual way to the Prime Minister and to Lord Clarendon. The Prerogative of the Crown was very large and undefined, and the very uncertainty which existed on the point made it all the more necessary that they should distinctly watch and observe the action of that Prerogative. It was so great that, unless checked, and kept within its proper limits, it would be inconsistent with the privileges, the rights, and the liberties of the people. It was, therefore, the duty of Parliament, whenever a doubt arose, to consider and debate the whole subject. Lord Erskine, speaking in the year 1807, said, with regard to Prerogative—

"The maxim that the King can do no wrong does not seek to alter the nature and constitution of things, but to preserve the Government, not only against the irreverence and loss of dignity arising from the very imputation of it. No act of State or Government can, therefore, be the King's; he cannot act but by advice, and he who holds office sanctions what is done, from whatever source it may proceed. This, my Lords, is not the legal fiction of the Constitution, but for the practical benefit and blessing of it. I am pleading the cause of the King and the people together in enforcing it, and I never will remain silent when this principle is disturbed."

Blackstone asserted that—

"There cannot be a stronger proof of that genuine freedom which is the boast of this age and country than the power of discussing with decency and respect the limits of the King's Prerogative."

For his own part, he knew that in discussing Prerogative he should do so, not only with decency and respect, but as loyally as the most loyal of Her Majesty's subjects. The uncertainty that pervaded the subject was indicated in the opinions of Mr. Allen, Earl Russell, and the present Lord Chancellor. The former of these, in his *Inquiry into the Rise and Progress of Prerogative*, said—

"The King, it is true, can do no wrong, and is not amenable to any earthly tribunal; but, on the other hand, he can perform no one poli-

tical act without an adviser responsible for the same.

"A Prerogative founded on usage, which cannot be enforced because it has fallen into desuetude, is a contradiction in terms. No one will pretend that any Prerogative of the King of England is founded either on military force or on the express consent of the people; every Prerogative of the Crown must, therefore, be derived from Statute or from prescription, and, in either case, there must be a legal and established mode of exercising it. Where no such mode can be pointed out, we may be assured that the Prerogative, so boldly claimed, is derived neither from law nor usage, but founded on a theory of Monarchy imported from abroad, subversive of law and liberty, and alien to the spirit as well as the practice of our Constitution."

Lord Russell, in his book on the *English Government and Constitution*, wrote—

"The King has, by his Prerogative, the command of the Army; but that Army is only maintained by virtue of a law to punish mutiny and desertion passed from year to year. The King has a right to declare war, but if the House deny supplies he cannot carry it on for a week. The King may make a treaty of peace, but if it is dishonourable to the country the Ministers who sign it may be impeached. Nor is the King's command any excuse for a wrong administration of power. The Earl of Danby was impeached for a letter which contained a postscript in the King's own hand, declaring it was written by his order. The maxim of the Constitution is that the King cannot act without advisers responsible by law; and so far is this maxim carried that a commitment by the King, although he is the fountain of justice, was held to be void because there was no Minister responsible for it."

Lord Cairns, too, gave it as his opinion that—

"Prerogative is a power not conferred by Statute—that is what makes Prerogative differ from every other power in this country. . . . Now, there is one thing very clear in our Constitution—the Crown can do no wrong; and another thing is, that it is to the advice given by Ministers that we are to look for responsibility. . . . If the Sovereign were to place her veto by the advice of Her Majesty's Ministers upon a Bill that had passed through the two Houses, that veto would be operative; but no one would deny that it would be unconstitutional."

It was to be noticed that the Constitution had imposed limits to the exercise of the Prerogative; and of these the first and foremost was the check possessed by the House in being able to control the public purse, a power which, though it ought to be most jealously guarded, seemed to have been to a certain extent impaired and diminished of late years. Next to that check came the principle of Ministerial responsibility, according to

Mr. Dillwyn

which the Prerogative could not be constitutionally exercised, save by the advice of the Ministers of the Crown. With respect to this latter safeguard, he desired to point out that neither the advice nor the responsibility of a single Minister, however distinguished and able he might be, was intended by those who had originally obtained the concession and recognition of the principle. That was the gist of his whole argument, and lay at the root of the Resolution he was about to propose. The country desired that the responsibility should rest, not on any individual Minister, but on a number of Noblemen and Gentlemen in whom they had confidence, and who would meet together as a Cabinet Council, and, after full discussion, initiate the policy to be recommended to the Sovereign. It was obvious that, if individual responsibility were to take the place of collective responsibility, the country would be landed in great difficulty. If they permitted government by Departments, or government by individual Ministers, the connecting link between the Executive and the Legislature would be severed, and the whole power would be in the hands of the Minister who might happen to be in the ascendant at the Council of the Sovereign. All Constitutional lawyers had admitted the necessity of collective responsibility, and Macaulay specially stated that while each Minister separately ruled his own Department, his more important acts and decisions were brought under the consideration of his Colleagues. Again, Hallam, in his *Constitutional History*, quoted a paper from *Somers's Tracts*, to the following effect:—

“The Constitutional doctrine is thus laid down:—According to the spirit of the recent Act of Settlement, as to the setting of the Great Seal of England to foreign alliances, the Lord Chancellor or Lord Keeper for the time being has a plain rule to follow—that is, humbly to inform the King that he cannot legally set the Great Seal of England to a matter of that consequence unless the same be first debated and resolved in Council, which method being observed the Chancellor is safe and the Council answerable.”

It was, no doubt, the Privy Council, and not the Cabinet, that was here referred to; but this did not affect the principle he relied on. The principle of Government by Cabinets was much older than many people supposed, and was to be met with over and over again at a period

antecedent to the Act of Settlement. For instance, in the *Rolls of Parliament*, 7 & 8 Henry IV. s. 31, occurred the following passage:—

“Likewise, on Saturday, the 22nd of May, the Commons came before the King and the Lords in Parliament, and there represented that they prayed the King at the beginning of the Parliament and since, and represented besides that the Archbishop of Canterbury had made report to them that the King wished to be counselled by the wisest Lords of the Realm: To all which the King agreed, and repeated with his own mouth that it was his entire will; and upon this a Bill was read containing the names of all the Lords who should be of the Council.”

A more recent illustration of the same principle occurred in 12 & 13 *Will. III.* c. 2, which provided that—

“All matters and things relating to the well governing of this Kingdom which are properly cognizable in the Privy Council by the laws and customs of this Realm shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same.”

But the Privy Council was found to be too large and cumbersome a body to work satisfactorily in this way; and by degrees, therefore, it was found convenient that the Cabinet and Departmental Government should take its place. Lord North, no very revolutionary character, in a conversation with Mr. Fox, in 1807, said—

“If you mean there should not be a Government by Departments, I agree with you. I think it a very bad system. . . . Government by Departments was not brought in by me. I found it so, and had not the vigour and resolution to put an end to it.”

The latest case to which he would refer was one that occurred under the Liverpool Administration, in the reign of George IV. That Sovereign desired, in 1825, to fix the responsibility of certain advice which had been given him respecting the recognition of the independence of the Spanish Colonies in South America upon Mr. Canning, the individual Minister to whom he believed that advice was due. With this object, he endeavoured to obtain separate memoranda upon the subject from individual Members of the Cabinet. But the Cabinet, in reply, requested permission to give their answer generally and collectively. The power of Parliament and Ministerial responsibility were the two great restraints upon the undue exercise of the Prerogative of the Crown, and

both these restraints had, he believed, been relaxed in recent years. Did they not know that the present House of Commons had been left in ignorance of very grave matters which seriously concerned the honour and welfare of the country until it was too late to take any steps with regard to them? In the first place, there was the purchase of the Suez Canal Shares. The amount of money involved was, perhaps, not large; but the entanglements and responsibilities to which it had led us were very considerable. Had the House been consulted before that scheme was embarked upon, he did not think it would have been carried out in the way it was. The whole matter had been a failure, and at this moment we were left out in the cold, and saw France in a stronger position than ourselves. Then, again, no opportunity had been afforded them of expressing an opinion with regard to the bringing of the Indian troops to Malta, which Lord Selborne had declared to be a violation of the law. The Anglo-Turkish Treaty was another case in point. If the House had been consulted, he did not believe they would have sanctioned it. They had been hurried into the Afghan War in a similar manner; and with regard to the annexation of the Transvaal, which had resulted in the Zulu War, no option had been allowed them. They had been merely called upon to register the decrees of the Cabinet Council. In all these cases Parliament ought, in the first instance, to have been consulted; and, for his own part, he believed that all these enterprizes might with advantage have been stopped. He had further to complain that misleading information was frequently given by Her Majesty's Government in reply to Questions put in that House. For instance, on February 8, 1878, the Chancellor of the Exchequer, in reply to a Question by the noble Lord the Member for the Radnor Boroughs (the Marquess of Hartington), described the position of affairs in Turkey, and said the Government

"Feel that the state of affairs disclosed by the terms of the Armistice which I have just read has given rise to the danger which they then apprehended, and they have, in the circumstances, thought it right to order a portion of the Fleet to proceed at once to Constantinople for the purpose of protecting the lives and property of British subjects."—[3 *Hansard*, ccxxxvii. 1329.]

Mr. Dilkeyn

On the question of the £6,000,000 Vote, the Chancellor of the Exchequer, at the close of his speech, said—

"We go (to the Congress). We should propose to go with no desire whatever of using force; it is not for that we ask it at all; but we desire to go armed with this, which would be, not only a Vote of Credit, but a Vote of Confidence, entitling us to speak as we would wish to speak in the Councils of Europe," &c.—[*Ibid.* 561.]

The answers given by the Government to Questions respecting the Berlin Congress were altogether at variance with the Salisbury-Schouvaloff secret agreement. Personally, he had the highest respect for the right hon. Gentleman the Chancellor of the Exchequer, and he was satisfied that he would not intentionally mislead the House; but the truth was that the right hon. Gentleman himself had been misinformed on those subjects, and that there had not been that concert in the Cabinet with respect to foreign affairs that had been so loudly asserted. Again, it was a familiar form of speech for the Government, when questioned with regard to any particular matter, to reply that they had received no official communication in reference to it, although the whole of the facts of the case might have been conveyed to them by private correspondence. Thus, on the 31st of March last, he had asked a Question as to the statement of Mr. A. Forbes, relating to a direct correspondence between the Queen and Colonels Mansfield and Wellesey during the Russo-Turkish War, and between Her Majesty and the Viceroy of India at an eventful crisis of the Afghan difficulty, to which he had received the following reply from the Chancellor of the Exchequer:—

"I can give no information to the hon. Gentleman or the House on this subject, further than to say there is no kind of official communication between Her Majesty the Queen and the Viceroy of India. Letters have occasionally been written by the Viceroy, and by successive Viceroys, to the Queen, and, no doubt, letters have been written from the Queen to the Viceroy. Of those we know nothing, any more than we do of any private correspondence of Her Majesty."

Again, on the 21st of January, 1878, he asked whether a statement which had appeared in *The Times* relative to the Queen having interceded with the Emperor of Russia on behalf of Turkey was true, and the Chancellor of the Exche-

quer answered that it was; that a communication which the right hon. Gentleman read had been made; but that it had been made by the advice of the Ministers, though it was a private and personal communication. He did not understand private and personal communications in reference to public matters passing between high official persons. Recent events in India showed that instructions must have been given to our officials which were not known to all the Members of the Cabinet. Our Generals appeared to have a roving commission to annex territory wherever they pleased; but even with this, he did not think General Roberts would have ventured upon making the speech he did to the tribes in the Khurum Valley without some direct authority from home. The next case to which he wished to refer was that of Sir Bartle Frere, who had established in South Africa a scheme of dominion which was likely to land this country as well as the Colony in disaster and defence. The conduct of Sir Bartle Frere was censured by the Secretary of State for the Colonies; but in a debate in that House recently the right hon. Baronet the Member for Tamworth (Sir Robert Peel), stated that the same mail which took out the censure also carried communications addressed to Sir Bartle Frere telling him that he need take no notice of the official censure. He did not know nor pretend to say by whom those communications or that communication had been sent, if sent at all; but if anything of the kind suggested by the right hon. Baronet occurred, he could only say that it was not a course likely to support Ministers of the Crown at home or the rule of England in her Colonies, especially in cases where the Crown was represented by a wrong-headed Minister like Sir Bartle Frere. What was the effect of one thing being said publicly with reference to Sir Bartle Frere, and another privately? In the first place, it encouraged him in a course which had been condemned, and in the next it encouraged the Colonies to pursue a course which was anything but desirable. Was it surprising that the Colonists, who could sell their produce at a high profit, which we should have to pay for at a very high price indeed, should express their confidence in Sir Bartle Frere and desire the war to continue? They all knew that he was supported by the

highest authority at home against the Colonial Secretary. He would quote from *The Daily News* Correspondent—because it seemed to him that the only reliable information the House could get was from the newspapers. Only the other day the Correspondent of *The Daily News* at the Cape, in a very interesting letter, said that the strongly-sustained agitation throughout that Colony had resulted in meetings supporting the policy of Sir Bartle Frere and expressing confidence in him.

“The autograph letter of Her Majesty expressing confidence in Sir Bartle Frere has been an important factor in stirring up popular feeling.”

An unofficial—he would not say private—letter had been used to stir up an agitation in contravention of the censure which had been sent out by one of the responsible Ministers. He thought he had stated sufficient to prove his case. He admitted that the case had been one very difficult of proof. [*Ministerial cheers.*] He understood that cheer; but he would remind the House that his difficulty lay mainly in the fact that many official transactions had been studiously kept from the knowledge of the House and of Parliament—transactions which, if they had seen the light of day, would have materially diminished the difficulty of the task he had undertaken. The House had always been jealous of private communications addressed by the Sovereign to the authorities, particularly abroad. For instance, Lord Chatham, on his expedition to the Scheldt, addressed a private narrative to the King, which for some time was kept quiet; but when it came out he was called to account by Parliament, although he refused to answer questions, on the pleas of being a Peer, and also that while in command of this expedition he was a Cabinet Minister of the Crown, and had a private right to communicate with the Crown. A formal Resolution was passed, and Lord Chatham was censured by the House. In 1780, Mr. Dunning moved a Resolution that “The influence of the Crown has increased, is increasing, and ought to be diminished.” In support of that Motion, Mr. Dunning said it would be idle to require proof; they must look for support to their consciences. Again, Mr. Fox in the same year, said that the undue influence of the Crown could not be proved, because it showed itself in

the dark, and could only be proved by notoriety of the fact. In the present case there was certain ground for believing, as he (Mr. Dillwyn) had shown, that the control of Parliament had been evaded. The country had been involved in troubles which he thought might have been avoided had Parliament been consulted; but Parliament had not been consulted, and the consequence was additional wars and increased expenditure. He would appeal to the House to say whether either the information obtained had not been misleading, or had been withheld from Parliament, since their information had been procured from other sources? He did not wish to reopen old sores; but he did desire to do what he could to stop the progress of the system of Departmental Government. He wished to see the advice of the Cabinet given to the Crown, and not the advice of a single Minister, so that we might have the responsibility of the whole Cabinet, and not that of any individual. In bringing this question before the House, he was only anxious to assert the Privileges of Parliament, which were being invaded, and, in doing so, he believed most conscientiously that he was doing his duty as a loyal Member of the House, and in the interests of the country as well as of the Crown itself. The hon. Gentleman concluded by moving—

“That, to prevent the growing abuse by Her Majesty’s Ministers of the Prerogative and influence of the Crown, and consequent augmentation of the power of the Government in enabling them, under cover of the supposed personal interposition of the Sovereign, to withdraw from the cognizance and control of this House matters relating to policy and expenditure properly within the scope of its powers and privileges, it is necessary that the mode and limits of the action of the Prerogative should be more strictly observed.”

MR. COURTNEY, in rising to second the Motion, said, he thought it must, at all events, be plain to the House that the desire of his hon. Friend (Mr. Dillwyn) was not in any way to move a Vote of Censure against the Crown. The Motion was directed solely against Her Majesty’s Government. Those who approved the course taken by the hon. Member for Swansea would be false to the object which they had in view, if they were to direct their censure in any other quarter. He held that the language of the hon. Member’s original Motion, which had been thought by

some to suggest that the Sovereign protruded herself into affairs of State, was identical in meaning with the Motion before the House, which was a Motion of condemnation of Her Majesty’s Ministers, and nothing more. They wished to bring home to Her Majesty’s Government the responsibility for what had happened—for the weakening which Constitutional guarantees had suffered from their policy. The maxim, “The Queen can do no wrong,” had been sometimes spoken of as a mere fiction; but he regarded it as a Constitutional principle of the highest importance; for if once it came to be admitted that wrong could be brought home to the Crown, they would have to divert their action from a quarter in which it might be useful, and waste their powers in attacking that which by its very nature was invulnerable. Precedents existed, showing what were the views of high authorities with regard to the responsibility of Ministers. In 1807, after the death of Mr. Fox, in consequence of a pledge supposed to have been given by the new Ministry to the King not to raise the Catholic question, a Motion was proposed in the House by a Gentleman bearing a name that had always been honoured—Mr. Brand—asserting that it was contrary to the first duties of the confidential Servants of the Crown to restrain themselves by any pledge, expressed or implied, from offering to the King such advice as circumstances might render necessary for the welfare and security of the Empire. That Resolution was supported by Sir Samuel Romilly, Mr. Whitbread, Lord Howick, and other Gentlemen equally eminent in the House of Commons, and a similar Motion in the House of Lords received the support of Lord Erskine. The objection was made, then, that the Resolution was an attack upon the Sovereign; and in the course of the debate a speech was made by a distinguished person—Mr. Plunket, the Attorney General for Ireland—who warmly defended himself and those who were in favour of the Motion against the imputation that it was wished to attach blame to the King, for whom he had the highest respect. The precedent was further important, because it was argued by Mr. Percival, the then Prime Minister, that although it was quite true that every act of the Crown must be vouched for by a responsible

Mr. Dillwyn

Minister, yet in the interim between successive Ministries the action of the Crown was necessarily independent, and whatever was done then was beyond Parliamentary criticism, and could not be made the subject of a Vote of Censure on the Ministers. If that argument had been allowed, it would have done away altogether with the responsibility of Ministers; but although the House of Commons, by a small majority, rejected Mr. Brand's Motion, that argument was distinctly repudiated in 1835, when Sir Robert Peel came into Office. He was summoned from Rome, and a considerable interval intervened between the dismissal of Lord Melbourne and the acceptance by Sir Robert Peel of the Seals of Office; but his first act was to accept the responsibility of what had been done in the interregnum, including the dismissal of Lord Melbourne. No interval could at all be allowed, even in imagination, to interpose between the responsibility of one Ministry and another. These instances proved that, under no circumstances, could the Crown itself commit an act which could be the subject of censure or blame. It might be said that he had been referring to what were elementary truths; but it was necessary to remind hon. Members of the elementary truths of Constitutional principles in these days, when they were not altogether "understood of the people." He ventured to say that the opinion which was held in some quarters, that the Motion of his hon. Friend (Mr. Dillwyn) was a Vote of Censure on the Crown, could only be entertained by those who had lost sight of elementary truths. A writer, to whose merits the Chancellor of the Exchequer had paid a just tribute (Mr. Bagehot), had said that if a gentleman attempted to explain to his servants the phrase "The Queen reigns, but does not govern," he would find they did not understand his language. It would seem as if the ignorance of the kitchen had invaded the House of Commons. A Vote of Censure on the Crown was an absurdity, because such a Vote would contradict the principle that the Crown was above responsibility. His hon. Friend attacked the Ministry because he held that they had protruded the name and authority of the Queen, so as to obtain undue power through the respect due to her name; and because they had initiated and pursued great

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the Royal pledge with respect to the Catholic claims, the responsibility of which rested upon the Ministry. There was another illustration of great interest in this matter, and that was the action taken at the close of the Great War by the Foreign Secretary and the Prime Minister. At the close of the Great War the then Czar proposed a "holy alliance" between the victor Kings—himself, the Emperor of Austria, the King of Prussia, and the Prince Regent, and he wrote an autograph letter to the Prince, inviting him to sign the necessary Treaty. In what way did the then Foreign Secretary and Prime Minister deal with that matter? Lord Castlereagh wrote thus to Lord Liverpool—

"Upon the whole this is what may be called a scrape. . . . I am desired by the Emperor of Austria, through Metternich, to express his earnest hope that the Prince will not refuse himself to this overture. . . . My own opinion very much concurs with that of His Imperial Majesty, and in weighing difficulties on both sides I think no person will blame the Prince for not refusing assent himself to a proposition so made to him. But I think the Prince must take it upon himself, and sign it, without the intervention of his Ministers, as an autographic avowal of sentiment between him and the Sovereigns his allies, tending to preserve the tranquillity of Europe. To decline doing so might produce very unpleasant consequences."

Lord Liverpool, in his reply, said—

"It is quite impossible to advise the Prince to sign the act of accession which has been transmitted to him. Such a step would be inconsistent with all the forms and principles of our government, and would subject those who advised it to a very serious responsibility. . . . Nothing is more clear than that the King or Regent of Great Britain can be a party to no act of State personally; he can only be a party to it through the instrumentality of others who are responsible for it."

Well, these were illustrations of the principles he wished to lay down in confirmation of what he had said as to the necessity of action originating with the Ministry and not with the Crown. He would next touch upon the necessity of collective action on the part of Ministers. The action of an individual Minister was not sufficient to substantiate every nominal action of the Crown. The advice given to the Crown must be that of the Ministry collectively. Upon that point, he would quote the opinion of an eminent authority on Constitutional Law—

"All correspondence between the Sovereign and a subordinate Minister should be submitted

to the Premier; if not beforehand, at any rate immediately after it has taken place. . . . Until Ministers have come to an understanding as to the advice they will tender to their Sovereign upon any given occasion it would be premature for them to communicate with the Crown thereon. The Premier himself is under no obligation, either of duty or of courtesy, to confer with the Sovereign upon any matter which is still under the consideration of the Cabinet."

The House would remember what took place when the present Government were last in Office. In the year 1867 the present Prime Minister threw upon the Crown, instead of taking upon himself, the responsibility of deciding whether or not there should be a Dissolution after a hostile vote of that House. But as to the necessity of collectivity of action, he would refer to the action taken by Lord Chatham in 1810. Lord Chatham, who was a Member of the Cabinet as well as a Peer, came back from his expedition to the Scheldt, drew up a Memorandum of his proceedings, and, going to a Levée, gave it to the King. It remained in the hands of His Majesty some time. Lord Chatham desired to make an alteration in it, received it back, made the alteration, and again handed it to the King, who, after a time, handed it to the Secretary of State. What was the result of Lord Chatham's proceeding? A Motion was made in the House of Commons by Mr. Whitbread, censuring the transaction, and the House approved the Motion by a large majority, after a discussion, which lasted, the record stated, till half-past 6 in the morning. Mr. Canning, who was not then in Office, spoke, and supported the Motion of Censure, although it was urged that Chatham, as a Peer, might demand an audience of the King, and that, as a responsible Minister of the Crown, he was entitled to act upon his responsibility. The House of Commons, however, held that the document should have reached the King through the collective Cabinet, and not as the result of individual dealing between the Crown and an individual Minister. The case which occurred under Lord Liverpool's Administration in 1825 was, perhaps, even more remarkable. The Cabinet having drawn up a Memorandum on the subject of the action to be taken in reference to the Spanish Colonies, which had revolted, the King endeavoured to

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obtain from the Members of the Cabinet separately their opinions on the question. But the Cabinet, in reply, humbly requested the King's permission to give their answer generally and collectively, although they admitted that among themselves differences of opinion existed. The manner in which Lord Palmerston's expression of his individual opinion on the *coup d'état* of 1851 was regarded might also be taken as a case in point. Throughout the whole range of English politics, in fact, one principle prevailed—namely, that there should be no sheltering of the action of Ministers under the name of the Crown, and that the action of Ministers should be collective and not individual. That the authority of this principle had been infringed of recent years his hon. Friend the Member for Swansea (Mr. Dillwyn) had produced abundant evidence to show. His case might, perhaps, be lacking in the precision which was insisted upon in a Court of Law; but that was inevitable from the nature of the case, for they were dealing with action which was impalpable, half concealed, and half revealed. The very manner in which Ministers had treated Questions which had been addressed to them on this subject—the apparent assumption on their part that the principles of the Constitution were only to be regarded as musty, fusty phrases—was in itself a sufficient justification for the Motion now before the House. There were several instances in which similar Motions had been brought forward, and he would ask the House to consider how this question of evidence had been considered. When Mr. Fox's Indian Bill was before the House of Lords, a Memorandum, to the effect that the King would regard as his friends those who voted against the Bill, was taken about and shown to different Peers. Thereupon a rumour arose, and a Motion was made in the House of Commons by Mr. Baker in the following terms:—

“That it is now necessary to declare that to report any opinion, or pretended opinion, of His Majesty upon any Bill or other proceeding” (and, of course, any line of policy, Indian or Colonial) “depending in either House of Parliament, with a view to influence the votes of its Members, is a high crime and misdemeanour, derogatory to the Crown, a breach of the fundamental privileges of Parliament, and subversive of the Constitution of the country.”

And how did Mr. Pitt meet that Motion? He asked—

“Was it founded on any positive facts, either proved or stated? No. . . . Upon what was the mighty grievance complained of supposed to depend? Not on any misdemeanour substantiated to the satisfaction of the House by any sort of evidence whatever, but on the vague surmises or lies of the day.”

Mr. Pitt allowed himself to use that language, although he knew it was perfectly true that the Memorandum had been circulated; but such a line of defence Mr. Fox treated with scorn, as one unbecoming a Minister, and disrespectful to the House. In all such cases, in fact, the supporters of the Motion held that it was not necessary to substantiate their case with the same minuteness as a prosecutor in a Court of Law. Had no breaches of the principles of the Constitution been committed? He was afraid that, in perfect innocence, a great many had been committed from time to time. He saw before him at that moment a noble Lord who was very busily engaged in what was an undoubted breach of the Constitution. They would all be sorry if anything serious should happen to that noble Lord; but, without knowing it, he was exposing himself to the very gravest censure. [*Laughter.*] Somebody laughed. But he would read an extract from Sir Erskine May's work, which would perhaps explain what he had said—

“The privileges of Parliament,” said Sir Erskine, “were systematically violated by the King (George III). In order to guard against the arbitrary interference of the Crown in its proceedings, Parliament had established, for centuries, the Constitutional doctrine that the King should not hear or give credit to reports of its debates. . . . yet during the proceedings of the Commons against Wilkes, the King obtained from Mr. Grenville the most minute and circumstantial reports.”

It was a true and sound Constitutional principle that the Crown should know only of the collective action of Parliament—that it should know nothing of the action of individual Members of that House to guide it in the distribution of its favours. Of course, it might not be true that the noble Lord he referred to took notes of the proceedings of that House for transmission elsewhere; but such was the rumour. Now, about the breaches of Constitutional principles. Was not the conclusion of the Anglo-Turkish Convention, without any previous communication being made to Parliament, a stretching of the Prerogative and a derogation of the power and

authority of that House? In fact, Parliament was committed to a certain course before it could say aye or no. And could not the same be said of the bringing of the Indian troops to Malta? When asked a Question in reference to alleged lengthy communications between the Crown and the Viceroy of India, the Chancellor of the Exchequer said there might have been private communications—such things had happened before, and might happen again; but he showed no anxiety whatever as to whether the Constitution had been trenchanted upon; he treated it as a matter of no importance, and in doing so he was supported by the cheers of Members about him. If Lord Chatham, being a Cabinet Minister, was not permitted to have individual correspondence with the Crown, would it have been permitted at that time for the Viceroy of Ireland to have had particular and confidential communications with the Crown upon the progress of affairs in that country? Would not such conduct *a fortiori* have been open to the censure passed upon that of Lord Chatham? Ought not a similar censure to attach to the conduct of the Viceroy of India now? At least, it was surely the duty of the Ministers of the Crown, if they were jealous for the maintenance of the Constitution, to have ascertained from the Viceroy something more as to the nature of the correspondence with the Sovereign. It was admitted that a communication was made to Lord Chelmsford upon the authority of a single Member of the Cabinet, and it was confessed that in that instance the collective action and responsibility of the Cabinet were abandoned. The annexation of the Transvaal was made by a stretch of the Prerogative absolutely unprecedented. A Commission was given to Sir Theophilus Shepstone from the Sovereign, who was then in the Highlands; it was countersigned by Lord Carnarvon; and under that Commission the Transvaal was annexed, without any warning, or even suggestion, to Parliament that such a thing would be done. But it was done, and this country had been saddled with a weight to an extent of which they now did not know. Contrast that with the annexation of Fiji, which was pressed upon that House by the worthy Member for Lambeth (Mr. Alderman M'Arthur), was discussed, and almost approved be-

fore it was effected. It had been pleaded that there was a parallelism between the conduct of our agents abroad and that of the agents of the Czar in Central Asia, by whom the Czar himself was overreached; but there were no Constitutional relations between the Czar and his people, and such a parallelism was a confession that in our case the Constitution had been abandoned. When a question was raised as to the bringing over of the Indian troops, the noble Lord, now the President of the Board of Trade, and also the Under Secretary of State for India, argued that if there had been any suggestion of what was intended there would have been interminable debates, and every difficulty would have been thrown in the way of the Ministry; and that argument simply meant that the checks of the Constitution and the control of that House must be got rid of in order that the Government might be free to work their own will. These facts were sufficient of themselves to justify the alarm that was felt, especially when they were accentuated by the conduct of the Prime Minister in 1867. Instead of submitting to the Crown a distinct resolution of the Cabinet, he put two courses before the Crown, offering to adopt that which was preferred, and thus threw upon the Crown the responsibility of an important decision. The Prime Minister did not understand Constitutional principles as they had been understood by a series of statesmen. There was published in 1835, in a letter to a noble and learned Lord, a *Vindication of the English Constitution*, by Disraeli the younger, which was well worthy of being reprinted and carefully studied, for it had disappeared from public notice, and he had been able to obtain it only from the library of the Cambridge University. It showed the opinions then entertained by the present Prime Minister on the relations between the Crown, the Ministry, and Parliament. Speaking of the advent of William III. to the Throne, the author said—

“Here, then (under William III.), commences the age when the influence of the Court rapidly declined, when Ministers were virtually appointed by the Parliament instead of the Sovereign, and when, by the institution of the Cabinet, the scheme and policy of the Administration devolved upon a Parliamentary Committee, and the King was, in fact, excluded from his own Council.”

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[“Hear, hear!”] The noble Lord (Lord Robert Montagu) apparently regretted that change; but the whole question was whether it was to be regretted or approved, and it was generally approved; but, in 1835, the Prime Minister evidently thought it was a change to be regretted. In the pamphlet he further said that George I., unsupported by the mass of the people, and ignorant of our language, was entirely dependent upon the Whig Peers, who resolved to compensate themselves by establishing the Cabinet on its present basis. It was added—

“It is curious to trace the Kingly office from the era of the Plantagenets, when the characters of a Royal Council and a Legislative Chamber were so blended together in the House of Lords that the Monarch always presided over his Parliament, to the moment when the Sovereign under the Brunswicks was virtually excluded from his own Council.”—[P. 170.]

Again, an opinion was hinted, though, perhaps, it was not completely stated. Coming down to George III., the author said—

“It was the clear sense and the strong spirit of his able grandson—George III.—that emancipated this country from the government of ‘the great families.’ The King put himself at the head of the nation, and, encouraged by the example of a popular Monarch in George III., and a democratic Minister in Mr. Pitt, the nation elevated to power the Tory or National Party of England, under whose comprehensive and consistent, vigorous and strictly democratic system, this island has become——”—[P. 173.]

[*Cheers.*] If he was to understand that cheer as an approval given to George III., in emancipating himself from the control of his Cabinet, he recognized in it another ground for the Motion of his hon. Friend. There was another extract, which, with the permission of the House, he would read, which was conclusive as to the view of the Prime Minister of the present situation. This was written after Lord Melbourne was dismissed by William IV., and, of course, the question arose what was the view of the Prime Minister with reference to it. The quotation was this—

“Let us hope that our Gracious Sovereign may take warning from the first of his house that ruled these realms, and follow the example of George III. rather than George I.”

The present Prime Minister was then young and only entering into public life, but he had formed his opinion deliberately; he had consistently maintained it, and to a large extent had endeavoured to carry it out in the go-

vernment of the country—namely, the destruction of the collective authority of the Cabinet and the elevation of the authority of a particular Minister and the augmentation of the power of the Crown. That was the idea of the present Prime Minister. If these were called “musty phrases,” he might quote later writings to show that what he then said had been consistently manifested since. When the question came to be considered by the historian, the anomaly must surely present itself how, in the Reign of the Queen who had ruled for 40 years with universal satisfaction to her subjects, regarding most carefully and attentively every Constitutional principle, an alarm was suddenly raised that the guarantees of the Constitution were being sapped, and the authority of the Cabinet overthrown, a single Minister using the name and authority of the Sovereign, that Minister having throughout his career held Constitutional principles which led up to that change. His fear was not a fear of any real resuscitation of the power of the Crown. He believed the controversy on the part of the Crown for the supremacy of the will of the individual wearer of the Crown had long since been closed. What he feared was a democratic power being raised under the forms of an autocratic authority. What he feared was lest the power of the First Minister should be aggrandized by transmutation. He believed no Minister of the Crown could possibly hold Office now who did not command the support of a majority of the House. The experiment made by William IV., in dismissing Lord Melbourne, could not be successfully imitated. But what were the checks on the Minister of the Crown supported by a majority? Was there any check against the abuse of the Prerogative when the Minister had a majority at his back? He might neglect and override all these checks. He came to the discussion of this question from no motive of Party; and, therefore, he had no hesitation in referring to the instance of a Prime Minister who, having a majority, had used the Prerogative to bring about a great change, overriding the authority of the other House of Parliament. [“Hear, hear!”] But did those who disapproved of that use of the Prerogative do so because they disliked unconstitutional action, or because they disliked the end effected? Was there

no danger the same authority might again be used in a way they did not like? That was a precedent to which he freely referred, in order to show the real danger with which they were now threatened—the danger of a Minister, disregarding Constitutional checks, misusing the name and authority of the Crown to carry out his individual policy. It had been said by the hon. Member for North Warwickshire (Mr. Newdegate) that he was an old Whig. Well, he also was an old Whig; and it was on the ground of affection for the principle of the Constitution, as settled from the beginning of the present century, of maintaining the authority of a collective Cabinet, and a collective Cabinet only, and restricting the action of the Crown in the direction at which he had pointed, that he should support the Motion of his hon. Friend the Member for Swansea. He did so, because he was anxious to guard against the realization in the future of what the present Prime Minister had described as the policy of the Tory Party, but what he should rather describe as the triumph of unchecked Democracy, reflecting the prejudices and the passions as well as the moderation and reason of the nation, and brought into power with a majority which would assuredly not always belong to the Conservative Party. He begged to second the Resolution of his hon. Friend.

Motion made, and Question proposed,

"That to prevent the growing abuse by Her Majesty's Ministers of the prerogative and influence of the Crown, and consequent augmentation of the power of the Government in enabling them, under cover of the supposed personal interposition of the Sovereign, to withdraw from the cognizance and control of this House matters relating to policy and expenditure properly within the scope of its powers and privileges, it is necessary that the mode and limits of the action of the prerogative should be more strictly observed."—(*Mr. Dillwyn.*)

MR. SPEAKER having read the Motion,

The CHANCELLOR of the EXCHEQUER, MR. GLADSTONE, and LORD ROBERT MONTAGU rose together; but the CHANCELLOR of the EXCHEQUER resumed his seat.

MR. SPEAKER called on Mr. GLADSTONE.

LORD ROBERT MONTAGU: I rise to Order. [Mr. GLADSTONE resumed his seat.] About six weeks ago, I gave

Notice of an Amendment to the Motion of the hon. Member for Swansea. By giving Notice of an Amendment a Member is supposed to secure the opportunity of immediately following the Seconder of the Motion. I have to ask you, Sir, whether it is in accordance with the Rules and Orders of the House, as it certainly is not in accordance with the custom and usages of it, for any Member to interpose between the Mover of a Motion and the Mover of an Amendment of which Notice has been given? If it is the Rule and Order of the House, all our balloting and all our giving Notices will be simply a farce, because if that priority is gone once it is gone for ever.

MR. SPEAKER: There is no Order of the House on the subject. When several hon. Members rise to address the Chair, the first who catches the eye of the Speaker is called upon; and as the right hon. Gentleman the Member for Greenwich caught my eye first, I call upon him to proceed.

MR. GLADSTONE rose to speak.

LORD ROBERT MONTAGU: I rise, Sir, to Order. You told me, Sir, that the Chancellor of the Exchequer was about to address the House after the Mover and Seconder had concluded. ["Chair, Chair!" "Order, order!"] I am going to ask a Question as to Order. I arranged with you, Sir—["Order, order!"]—

MR. CHAPLIN: Sir, I rise to Order.

LORD ROBERT MONTAGU: I have risen to Order.

MR. SPEAKER: Is the noble Lord speaking to a point of Order? If so, the noble Lord is entitled to be heard.

LORD ROBERT MONTAGU: Yes, Sir, I am. I arranged with you, Sir, that I should rise at the same time with the Chancellor of the Exchequer—

MR. SPEAKER: The noble Lord is now referring to communications between himself and myself before this debate came on. It is not usual to take that course. At the same time, if the noble Lord, acting on his own discretion, thinks right to do so, I have no objection.

LORD ROBERT MONTAGU: I am much obliged to you, Sir. I agreed with you that if the Chancellor of the Exchequer should rise to speak, I would sit down. I did not wish to stand in the way of his reply, although I understood that the Chancellor of the Exchequer wished to squelch the debate. The

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Chancellor of the Exchequer did not rise when the Seconder of the Motion sat down; but the right hon. Gentleman the Member for Greenwich leaned across the Table and said to the Chancellor of the Exchequer, "Will you rise?" and the Chancellor of the Exchequer said, "No; do you;" and then the right hon. Gentleman the Member for Greenwich rose, and was called upon to speak; and I think it is quite unfair—"Order, order!"

MR. SPEAKER: The noble Lord is not now addressing himself to a point of Order. If he wishes to raise the point, he can do so now.

LORD ROBERT MONTAGU: Very well, Sir. The only Question I wished to ask is, whether it is competent that any Member who has given Notice of an Amendment to a Motion should be preceded by a Member who has not given any such Notice?

MR. SPEAKER: It is quite competent for him to be so preceded, if he was not the first to catch my eye. There is no Rule that gives precedence to an hon. Member who has given Notice of an Amendment.

MR. GLADSTONE: Sir, I can assure the noble Lord that on a question of Order I have not the slightest disposition to object to his mode of vindicating it, or to do anything that can possibly impair it. My anxiety to say a few words to the House without delay is an anxiety that I can very easily explain. In fact, my object is obvious, and it will explain itself in the course of the few observations I have to make. Of course, if, on the part of Her Majesty's Government, who are attacked and arraigned by the present Motion, the Chancellor of the Exchequer had thought fit to rise just now, his was a claim with which I could not have thought for a moment of standing in competition. But I am one of those who desire now to say the little they have to say, because I am not, like the noble Lord, prepared to enter upon the discussion of this question upon its merits; and I am one of those who heartily concur in the spirit and contention of the appeal made before the debate began by my hon. Friend the Member for Hackney (Mr. Fawcett). It did, undoubtedly, appear to me that, under the almost unparalleled circumstances attending the history and production of this Motion, it was hardly desirable that a matter involving considerations

of so high and serious an order should be pressed, and the question brought before the House for discussion, with only a few hours of Notice. What I would observe is this—We have had, as the noble Lord has truly stated, on the Paper for many weeks a Notice of a Motion to be proposed by my hon. Friend the Member for Swansea (Mr. Dillwyn), not involving a direct Censure, though probably carrying an indirect Censure, upon Her Majesty's Government, but presenting to us as the primary and proper subject for our consideration the very important and delicate question how far the direct and personal interposition of the Sovereign in affairs of policy is admissible or desirable, or otherwise. Sir, upon that question, it would have been my duty to place at the service and command of the House any knowledge which the means of observation in my former experience and a long Parliamentary life might have afforded. Of course, I would have been prepared to state to the House the reasons which induced me to believe—though perfectly conscious of the loyalty and public spirit of the hon. Member for Swansea—that the terms of his Motion could not be justified or sustained. That was undoubtedly the opinion that I should have endeavoured to support, and to support by reference to many matters of fact of such a nature that I think that even my hon. Friend himself would not be disposed to withstand the force of the arguments which would have been used against his proposition. But now, Sir, upon the Notice Paper this morning—for I had not the good fortune to hear what took place yesterday afternoon, not being very well—we have presented to us a proposition which alters, as it appears to me, for every practical purpose, the entire front of the case. The question of the direct interposition of the Crown is, indeed, referred to in the Motion that is now before us, because there is, it appears, or there has been, a supposed personal interposition of the Sovereign; but it is only introduced parenthetically, and apparently is a part of the Motion which is only considered secondary by the Mover, whereas the Motion is changed substantially into a direct and sweeping Vote of Censure upon Her Majesty's Government, involving the retracing of all the ground that we have trodden during the discussions of the present and the last Sessions, and call-

ing on the House for a verdict of condemnation. Now, I must say I think I have not been backward in making complaints, whether they were right or whether they were wrong, of the conduct of Her Majesty's Government in respect to the Privileges of Parliament; but really, in censuring the Administration, I do feel that some considerations of external propriety of Parliamentary usage should be regarded, and I am not ready, upon the production on Tuesday morning of a Vote of Censure upon the Government, to appear in my place on Tuesday evening and support that Vote of Censure. But that is not the only thing which makes me believe that this proposal is out of place on the present occasion. I have heard the interesting historical disquisition of the hon. Member for Liskeard (Mr. Courtney); and I am sorry that that obliges me, parenthetically, to refer to his assault upon myself. In order to attain his paramount purpose of proving his own superiority to Party considerations, he has found it necessary to refer to what occurred in the last Parliament. [Sir CHARLES W. DILKE: Hear, hear!] My hon. Friend the Member for Chelsea approves of the same thing, and what I shall say will apply to the one as well as to the other. Both these hon. Gentlemen, in their desire for lofty impartiality, have severely condemned the exercise of the Prerogative by which Purchase was abolished in the Army. I have not the smallest objection to that condemnation, if their minds lead them to that judgment upon an important action taken at an important crisis. But I did not detect, from the speeches of either or both hon. Gentlemen, that they were in the slightest degree aware of the ground of that exercise of the Prerogative. Now, the ground of that exercise of the Prerogative was this—and it is necessary that there should now be said what was said at the time, but apparently it has not found a place in the recollection of either of them. The ground for the exercise of that Prerogative was this—It had been brought to the knowledge, not only of the Government, but of Parliament and of the entire community, that there was bound up with the working of the system of Purchase a system of grave and flagrant illegality—an illegality, in many instances, mixed up with personal complications, but, at any rate, an illegality of

the nature and character of which there was not the slightest doubt—an illegality which was imbedded in the system of extra-regimental prices for commissions; and that system was inseparable from the system of Purchase. It was to put a stop to an illegality, and for no other purpose, that the Prerogative of the Crown was exercised. I will not now go into the question whether that was a sufficient reason or not. It did not appear to be a reason in the slightest degree within the cognizance of either of these hon. Gentlemen. I am sorry that neither the hon. Member for Chelsea, nor any other hon. Gentleman, made that exercise of the Prerogative the ground of a question in this House at the time when they might have been fairly discussed, and the arguments on both sides fairly urged. It would not be desirable for me to detain the House by entering at length into the subject; but after what fell from the hon. Member for Liskeard (Mr. Courtney), it was impossible for me to pass it over altogether. What I would say to the Motion of the hon. Member for Swansea (Mr. Dillwyn) is this. I do not know whether any Amendment will be moved; but I assume that it is the intention of Her Majesty's Government to meet the Motion with a direct negative. I must say, for myself, that it is entirely impossible for me to enter into any discussion of the Motion; but I think that the making of such a Motion, under such circumstances, is so entirely contrary to all the Rules of Parliamentary procedure, that I entirely decline—I am compelled to decline, with the utmost respect for my hon. Friend the Member for Swansea, than whom there is not a more upright man in the House—all participation in this debate. The Motion is not, indeed, one on the construction and meaning of the terms of which I should be disposed dogmatically to pronounce. I find that there is a

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Her Majesty's Government to do something; but what that “enabling” is, or what it is that “enables” them, I do not know. Whether it is the abuse of the Prerogative, or whether it is the augmentation of the power of the Government, or whether it is the personal intervention of the Sovereign, I am not

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perfectly clear about on reading the sentence, and, consequently, I speak on that point with submission and with reserve. But one thing I say is, that while this Motion asserts—and asserts as I believe truly—that there has been an undue use of the Prerogative by the Government, I do not see why it connects that use of the Prerogative with the supposed personal interposition of the Sovereign. Now, there is no connection whatever, so far as I know, between them. But this business of the undue use of the Prerogative is a proposition which we have sifted and bolted down to the bran on former occasions. As far as I know, we frankly assailed the Government on this subject with reference to the subject of the Indian troops. We asserted it with respect to the Anglo-Turkish Convention; we asserted it with respect to the suppression or withholding of the history of the Afghan negotiations before the Afghan War; and we asserted it, in some degree, with respect to what is called the Salisbury-Schouvaloff Convention. We made our case; but not in any one of those instances was it attempted to establish the slightest connection between abuses, real or supposed, of which we complained and the intervention of the Sovereign. Therefore, to assert that the practices which we complained of have been carried on under cover of the supposed interposition of the Crown—which we never alleged, or attempted to allege—entirely prevents me from giving my support to the Motion, or entering into any of those wide general principles which I entirely admit to be involved. I must, likewise, say this—that I think it is hard, under the circumstances, to propose a Vote such as this against Her Majesty's Government, when I consider what has taken place. We complained of the policy of the Government in the case of the Afghan War; we complained of it in the case of the Anglo-Turkish Convention; we complained of it in the case of the Indian troops; but the policy of Her Majesty's Government in every one of these cases was sustained by large majorities in this House. After it has been so sustained, if I am to ask the majority of this House to pass a Vote of Censure, I will ask it to pass a Vote of Censure, not upon Her Majesty's Government, but upon itself. I will frame my Motion, and it would be a fair Parlia-

mentary proceeding, in such a way as to make it a Vote of Censure by the majority of this House upon its own proceedings. Undoubtedly, the majority of this House have lifted off the shoulders of Her Majesty's Government the main responsibility for what we consider to be invasions of the Prerogative of the Crown. We have a right, a perfectly justifiable right, to complain to our constituents and to the country. We shall take an opportunity, when the Constitution gives it, of appealing to the nation with regard to that method of proceeding. But I must say it would be rather hard to stigmatize, by a Vote of Censure, the growing abuse by Her Majesty's Ministers of the Prerogative and influence of the Crown, when every part and portion of this abuse, as we allege it to be, is an abuse which has received the sanction, the warm sanction, of the majority of this House, including, in some cases, the partial approval of those who belong to the Liberal Party in this House. Under these circumstances, I must say I think it is quite impossible for me to enter upon a discussion of the Motion of my hon. Friend the Member for Swansea. I am extremely sorry that my hon. Friend the Member for Hackney (Mr. Fawcett) did not succeed in the appeal which he made, as I thought most reasonably, to my hon. Friend the Member for Swansea. Even after the two or three hours' debate which we have had, I hardly know whether we are or whether we are not engaged in a serious discussion. It may be that there is a great deal of very interesting Constitutional lore in the speech of the Seconder of the Motion; but I am bound to say I find it extremely difficult to connect that lore with the terms of the Motion which is before us. There is no more interesting passage of history than the period of the discussions on the India Bill of Mr. Pitt, and of the marvellous conflict which he sustained in this House; but how in the world that is to be connected with the Resolution which we are invited to vote to-night, I must confess myself entirely at a loss to conceive. The doctrine and the lore of the Constitution have been searched, even including resources which, though they are not those of a Member of this House, yet, we rejoice to think, are in one and a very important sense the resources of this House. The doctrine of the time of Mr. Grenville in regard to the communica-

tion of the debates of this House to the Sovereign has been gravely and seriously adduced in a great debate on a Vote of Censure on the Government as a doctrine applicable to the present time, and some notes of my noble Friend opposite (Viscount Barrington), which, it is presumed, he was making for the purpose of a very effective reply, were referred to. I can conceive that this House might object to the communication of the details of its procedure to the Crown at a period when it objected to the communication of the details of its procedure to the nation. That was the doctrine of those times, and the practice was consistent. It would have been a false position for this House to have the details of its debates made known in private to the Sovereign while the nation was kept in ignorance; but can the hon. Member for Liskeard (Mr. Courtney) really think that it should now be made an offence to communicate to the Sovereign the details of debates in the House of Commons which are made known to all persons throughout the country, from the Sovereign to her subjects, not only with the knowledge, but with the virtual approval of this House, by every newspaper in the Kingdom? I therefore must really decline to enter upon these high Constitutional matters on the present occasion—not because they are not serious, for they are of a most serious character—and it is because they are so serious that I grieve over the unhappy circumstances in which they are now brought into discussion. For my own part, even with the attractions which an opportunity of assailing Her Majesty's Government may be supposed to supply me with, I must respectfully demur to being called upon to assume any responsibility whatever in that matter. I assume at once that Her Majesty's Government will put a negative on this Motion. I cannot in the slightest degree complain of their taking such a course, when I find that from the matter contained in the Motion, and the mixture of allegations which are untimely with those which are absolutely incapable of being maintained, it is even impossible for me to give it my support.

THE CHANCELLOR OF THE EXCHEQUER (who rose at the same time as Lord ROBERT MONTAGU) said: I can assure the noble Lord that I will not stand between him and the House for many minutes; but I think I owe some explanation to the House, after the obser-

vations of the noble Lord in regard to my not having risen immediately after the Motion was put. Undoubtedly it is true that I had communicated to some of my Friends my original intention to speak immediately after the Seconder; but the Motion was changed in so extraordinary a way that I thought it necessary to listen to the speeches in order to understand what was the meaning of the Motion submitted to the House. I confess that, difficult as I found it to construe that Motion as it stood on the Paper, I find it still more difficult to attach a meaning to it after hearing it explained by the hon. Gentleman. Considering, therefore, the great importance of the subject, which raised two fundamental Constitutional questions of this country—namely, the Prerogative of the Crown and the Privileges of Parliament—I thought it was only respectful that I should wait to see what the general feeling of the House on the subject might be. I agree with my right hon. Friend who spoke just now that we are placed in a position of considerable embarrassment and of great difficulty. The Motion has been turned into a Motion of Censure on the Government. To such a Motion we should wish, if possible, to move a direct negative. But we are in a difficulty in that respect. I do not desire to interfere with the freedom of any hon. Member, and I reserve any observations I may have to make till the close of the debate, if the debate is still to go on; but I may say now that we are prepared, on the ground that was originally taken in the Motion of the supposed interposition of the Sovereign in affairs of State, and upon that now taken, to challenge and deny any statement that has been made in any way, directly or indirectly, casting, or seeming to cast, any censure on the action of Her Majesty's Government. We are only embarrassed by the extreme feebleness and the shadowy character of the suggestions made of that kind. If more definite charges should be made hereafter, we shall be prepared most definitely and distinctly to meet them. With regard to a Vote of Censure upon ourselves, we shall be prepared, at the proper time, to meet that Vote of Censure by a direct negative.

LORD ROBERT MONTAGU, in rising to move the following Amendment:—

“That, by the Constitution and Laws of this Realm, it is the right and duty of the Sovereign,

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with the advice of the Council, and only by that advice, or by the advice of Parliament, to direct the foreign policy of the Country, to negotiate and enter into Treaties, and to declare war, or conclude a peace;"

said, the hon. Member for Swansea (Mr. Dillwyn) had told them that he had proved his case; but what case had he proved? For six weeks there stood on the Paper a Motion which had a black and ugly look; and so it was left until last night. During the night it had been transformed in a most wonderful manner. For six weeks it had howled discordantly and acted grotesquely with the blackened face and spotted garb of a Christy Minstrel. That morning it had washed its face, and appeared like an ordinary person. The Motion of the hon. Member for Hackney (Mr. Fawcett) was as disrespectful to the Sovereign as the original Motion of the hon. Member for Swansea. They would both put the Sovereign on her trial; the only difference was that the hon. Member for Hackney would bring in the Scotch verdict of Not Proven, for he simply said "there was no evidence to show" that the offence had been committed. Both the original Motion and the Amendment called in question the personal conduct of the Sovereign. The Amendment he (Lord Robert Montagu) proposed to move had the advantage of not alluding to the person of the Sovereign. Again, the present—not the original, but the substituted—Motion, and that of the hon. Member for Hackney, implied a censure on the Government. He (Lord Robert Montagu) was not going to bring a charge against the Government; but as certain shadowy notions had been put forward, he wished to explain what had really been the Constitution of the country from its very commencement up to the present day. All the arguments and authorities adduced by the hon. Member for Swansea had been taken from later years alone, with the exception of two, and those two told directly against the hon. Member. The first of those authorities was taken from the time of Henry IV., when, as the hon. Gentleman said, the Commons appeared before the King and Peers in Parliament, and requested the King to act only with the advice of his Council. That was perfectly true. It was an assertion of the Law and Constitution. They had no Cabinet in those days; but the King was bound to

act with the advice of his Council. The second authority which the hon. Gentleman adduced, and which was against him, was a letter written by Harley, Lord Oxford, and to be found in *Somers' Tracts*. That authority said not one word about Cabinets, but that the Sovereign's Prerogative must be exercised solely by the advice of the Council. He now came to what the hon. Member for Liskeard (Mr. Courtney) called the elementary truths of the Constitution. He did not think that that hon. Member had looked at one of those elementary truths. He had read a book written a few years ago by Mr. Bagehot; but he (Lord Robert Montagu) denied that it was of any authority whatever in regard to the Constitution of the country. The authorities of the Mover and Seconder belonged to a time when the Constitution had been in abeyance. Both that hon. Gentleman and the hon. Member for Swansea, in their treatment of this question, reminded him of a young doctor who would go to the hospital in order to learn the human constitution by the side of a fever-stricken patient. They had, apparently, studied the Constitution of the country only during the time of its disease, and not of its health, and no wonder they should have gone wrong. What was the meaning of the Constitution? It was the system of fundamental law, by which good government could be secured. And what were the requisites of good government? The requisites of good government were—firstly, a knowledge of public affairs on the part of those who were called on to direct the State and guide its destinies; secondly, calm, unbiassed, unswerving, and unagitated judgment; thirdly, secrecy in some affairs; and, fourthly, proper checks on private ambition and Party intrigues. He would show that every one of those safeguards was secured by the Constitution of England, and that not one of them was secured by the present system of Cabinet government. The hon. Member for Swansea said the Prerogatives of the Crown were large and undefined. With that the hon. Member for Liskeard did not agree, because he reduced all the Prerogatives of the Crown to the simple nullity that they might only ask the Crown its opinion on any measure which the Ministry proposed, and that the Crown had no initiative and no opinion in political affairs

until it was asked. That was a very different account of the Prerogatives of the Crown from that given by the right hon. Member for Greenwich in a little book which was well worthy of their study.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

LORD ROBERT MONTAGU, resuming, asked whether it would be fitting that the Government should allow a Count-out to be effected on a grave occasion like that, when two speeches had been made attacking Her Majesty, and no reply had been offered in defence of the Constitution.

MR. DILLWYN: I rise to disclaim the imputation of making an attack on Her Majesty. I distinctly disclaimed such an intention at the beginning of my speech.

LORD ROBERT MONTAGU said, perhaps in his speech he did not do so; but in the Motion which the hon. Gentleman first put on the Paper he used the words, "the direct interference of the Sovereign in the political affairs of the Country." He did not impute disloyalty to the hon. Member. Far from it. But what would be the effect on the country if they allowed two speeches on one side to go forth, and no reply on the other? Would it not be thought that the whole House of Commons adopted the opinion of those two hon. Gentlemen. A Count-out would be most disastrous. The country knew that a Count-out was usually brought about to avoid an inconvenient question. He did not believe the Chancellor of the Exchequer would adopt such a course in the present instance. When he was interrupted, he was about to call the right hon. Member for Greenwich into court. He regretted that that right hon. Member, instead of making the short speech which he had made that night—not elucidating the question, but rather confusing it—not aiding the debate, but squelching it—not assisting the House to a just conclusion, but rather leading it astray—had not rather given them more fully the views set forth in the little work called *Gladstone's Gleanings*, what the right hon. Gentleman had written on the subject of the Prerogatives of the Crown. The right hon. Member for Greenwich used these words—

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"The Sovereign in England is the symbol of the nation's unity, and the apex of the social structure; the maker"—let the House mark the words—"the maker, with advice, of the law; the supreme governor of the Church; the fountain of justice; the sole source of honour; the person to whom all military, all naval, all civil service is rendered. The Sovereign owns very large properties, receives and holds in law, the entire Revenues of the State; appoints and dismisses Ministers, makes treaties, pardons crime, or abates its punishment; wages war or concludes peace; summons and dissolves the Parliament; exercises these vast powers, for the most part, without any specified restraint of law; and yet enjoys, in regard to these and every other function, an absolute immunity from consequences." (P. 245.) "The Crown is entitled to make a thousand Peers to-day, and as many to-morrow; it may dissolve all and every Parliament before it (the Parliament) proceeds to business; may pardon the most atrocious crimes; may declare war against all the world; may conclude treaties involving unlimited responsibilities, and even vast expenditure, without the consent"—again let the House mark the words—"without the consent, nay, without the knowledge of Parliament; and this, not merely in support or in development, but in reversal of policy already known to and sanctioned by the nation."

The hon. Member for Swansea had devised his own checks and limits on the Prerogative; but in the same breath he had shown that those checks were nugatory. The first of his checks was the responsibility of Ministers, and then he told them that this responsibility was not to be individual but collective in the whole Cabinet. Practically, this was denying the responsibility—for how were they to be responsible if not individually accountable? Where was the responsibility of Ministers if, as the hon. Member alleged, the House of Commons had nothing to do but to register the decrees of the Cabinet? The right hon. Member for Greenwich went further, for he said that the majority of the House had lifted off the shoulders of the Government all responsibility for its acts. It was clear, therefore, that the first check was entirely nugatory. The other check was the power of the purse. The same arguments applied here. In the Afghan War, for instance, where was the power of the purse as a check? Take the purchase of the Suez Canal Shares, and the other instances cited by the hon. Member—once the thing was done, did Parliament ever refuse to pay? He had said that four requisites of good government were secured by the Constitution. What, then, was the Constitution? It was simply this—it was a rule of law—both of Common and

Statute Law—that the Sovereign could exert the Prerogative only with the advice of the Council. The Privy Counsellor swore—he quoted from Selden's *Discourse on the Laws and Government of England*—that he would give advice fearlessly and honestly, unswayed by passion; abstain from corruption; refuse to be bound by any other oath—evidently referring to secret societies; to receive no gifts from anyone, only from the King. He was to keep the King's counsel secret, and—

“To help the execution of whatever may be determined in Council and to withstand all persons who would attempt the contrary.”

This was directed against private ambition and Party government. Another provision of the oath was that the Counsellor was to reveal to the Crown in Council “whatever may be intended concerning things pertaining to the Crown.” This gave them a clear insight into what the objects of the Council were. These enactments were repeated, not once or twice only, but times innumerable. [The noble Lord then quoted at length from a very valuable book—*The Proceedings and Ordinances of the Privy Council*—which probably the hon. Member for Liskeard had never looked at—published by the Record Commissioners, in seven volumes.] In this book were to be found some remarkable examples of the action of the Privy Council. For instance, in 1395, the King, being in Ireland, wrote to the Council asking them to sanction a general pardon. In this case, the Council had urged harsh measures against MacMurrough, O'Neale, and others; but the King, finding on the spot that not the Irish but the English of the Pale were the offenders, suggested that the Irish should be dealt with in a just spirit, and obtained the approval of the Council. Again, the Act of 7 & 8 Henry IV. ordained that everything the King did “should be made and endorsed by the advice of the King's Council.” [The noble Lord then read at great length, from various authorities, the duties, privileges, and regulations of the Privy Council, all their proceedings being finally recorded by the sworn clerk in the “Proceedings and Ordinances of the Privy Council:” and said that the business of the Council being to advise the Crown in the exertion of the Prerogative, and that being the very essence

and life of the Council, it was spoken of as “the instrument of the Prerogative.”] In support of his position the noble Lord read a passage from Trenchard, who, in his short *History of Standing Armies*, said—

“Formerly all matters of state and discretion were debated and resolved in the Privy Council, where every man subscribed his opinion and was answerable for it. The late King Charles was the first who broke this most excellent part of our Constitution by setting a Cabal or Cabinet Council, where all matters of consequence were debated and resolved and then brought to the Privy Council to be confirmed.”

Hallam, in his *Constitutional History*, thus cites a passage from Harley, in his *Vindication of the Rights of the Commons of England*—

“The Constitutional doctrine is thus laid down—As to the setting of the Great Seal of England to foreign alliances, the Lord Chancellor, or Lord Keeper for the time being, has a plain rule to follow—that is, humbly to inform the King that he cannot legally set the Great Seal of England to a matter of that consequence unless the same be first debated and resolved in Council; which method being observed, the Chancellor is safe and the Council answerable. . . . Former Princes did sometimes advise with particular persons, before they offered a matter to the Council, to be debated and determined; but it is an innovation by evil Ministers, that war and peace, and matters of the highest consequence, should be finally concluded in a secret Cabal and only pass through the Privy Council for form's sake, as a conduit-pipe to convey those Resolutions with authority to the people. All proclamations for declaring war, &c., are constantly set forth in the name of the King, with advice of his Council (which shows that it ought to be so), when perhaps the war was resolved in a private Cabal, and only declared in a Privy Council, and published with that authority to the people; which is an abuse of the Constitution.”

When the Council was discontinued disasters happened. For instance, when Henry VI. came to the Throne in 1422, his uncle, the Duke of Gloucester, was appointed Lord Protector. After a long struggle, the Lord Protector discontinued consulting his Council, and the result was the loss of Anjou, Maine, and Normandy abroad—factions and rebellions at home. The Cabinet was introduced in 1640 for the first time, and it consisted of personal friends of the King, not the leaders of the people and the wisest in the land. They met together, and what happened? The old result. England was divided into factions—Cavaliers and Roundheads—a rebellion broke out, and the King was beheaded in 1649. In 1660, Charles II.

came to the Throne. For a few years the King always acted by the advice of his Council, and the result was he found himself secure on the Throne. And then came temptation. He would like to be absolute and reign like a Cæsar, and with this end he discontinued his Council. Clarendon fell, and the disgraceful annals of our country began. Then came Lord Danby's Administration. At that time the Cabinet system became the established practice, and the Constitutional rule of the King in Council was left in abeyance. The Cabinet of that day was called the "Cabal," perhaps from the initial letters of the names of the statesmen who composed it. It lasted five years, and then came Danby's impeachment. At the command of the King Danby had written a letter to Mr. Montagu, British Ambassador in Paris, instructing him to offer the neutrality of England in the impending war with Spain for the sum of £300,000 a-year for three years. This letter was ordered and was signed by the King; but not on the advice of the Council. Lord Danby was tried for having written this letter. He pleaded the King's command, which he thought sufficient, "as the King is the sole judge at all times of peace and war." The Commons would not hear of this excuse, and the Resolution for his impeachment was carried by 179 votes to 116; and he would ask the attention of the House, and particularly that of the hon. Member for Liskeard—who, if he had read the record of the impeachment, would have known something of the "elements of our Constitution"—to the first article in the impeachment. It was in the following words:—

"(1.) That he hath traitorously encroached to himself regal power by treating, in matters of peace and war, with foreign Ministers and Ambassadors, and by giving instructions to His Majesty's Ministers abroad without communicating the same to the Secretaries of State and the rest of His Majesty's Council, against the express declaration of His Majesty."

Now, this Danby was the Principal Secretary of the State; and yet he was impeached for having communicated with foreign Ambassadors and foreign Powers, even at the command of the King. Then came the unfortunate reign of James II. He discontinued the Council, and the same result followed. A revolution occurred, and the King was hurled from the Throne. William

III. entirely set aside the Council, and Cabinet meetings became the practice. The Cabinet soon followed the fate of the Council; the King was becoming absolute, the country became divided into parties, and the factions of Whigs and Tories arose. Then came standing Armies, the National Debt, the Excise, and "the Dutch." It was not until the passing of the Act of Settlement in 1701 that the House of Commons returned to the true remedy for the evils of the state of things which prevailed. By the 3rd clause of that Act it was declared that—

"All matters and things relating to the well governing of this Kingdom which are properly cognizable in the Privy Council by the laws and customs of this Realm shall be transacted there, and all Resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same."

Now, he was going to prove that that clause of the Act of Settlement remained still unrepealed, and that, according not only to the Common Law, but to the Statute Law of the land, the Crown could not act except by the advice of the Privy Council, and that every one of the Privy Councillors was bound to sign his name to his advice. The 3rd clause of the Act of Settlement, in fact, was a distinct declaration that government by the Cabinet without the Privy Council was illegal and contrary to the Constitution. There was a General Election in 1705, and soon after there was passed by the House of Lords a Bill commonly called the Regency Bill, though its proper title was a Bill for the Security of the Queen's Person. It was very hotly contested in the Commons, who inserted a clause respecting the 3rd section of the Act of Settlement, and the Amendment was not accepted by the Lords until after three Divisions and three Protests. It was said that that clause had been repealed by the 4 & 5 Anne, c. 20; but there was no provision of the kind in the original Act itself, although it was to be found in some of the common editions. The clause in the Schedule of the Act of Anne was not regarded at the time as a repeal of the 3rd Clause of the Act of Settlement. In the same year the Treaty of Union with Scotland was signed; and the second Resolution of the Commons agreeing to the Articles of that Treaty expressly referred to the 3rd section of the Act of Settlement as being then in

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force. Having referred to other proceedings in Parliament in support of his position, the noble Lord said that, at all events, the matter had since that time been put beyond doubt; for that Act of Anne was repealed in 1867 by the Statute Law Revision Act passed by Mr. Disraeli. Therefore, the 3rd clause of the Act of Settlement had from that time, if not from the time of William III. been in force, and every Cabinet which had been held since that time had been illegal, every Member of every Cabinet had been guilty of a violation of the Constitution and of the Statute Law.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

LORD ROBERT MONTAGU, resuming, traced the continuous history of the Privy Council, mentioning that its powers had been recognized in their full validity by Walpole, Bolingbroke, and Chatham. On January 28, 1740, there was a remarkable Protest, which was entered by certain Lords, on a Motion for "the Representations made by Admiral Vernon to the Admiralty." This Motion was lost on division. Then a Motion—

"That a Secret Committee be appointed to inquire into the conduct of the War, consisting of all the Lords of this House who are of His Majesty's Most Honourable Privy Council,"

was negatived. This was the protest—

"The so-often-urged argument of secrecy proves too much, and may as often without, as with reason, be used in bar of all inquiries, that any Administration conscious either of their guilt or their ignorance, may desire to defeat. It may not only prove the security, but the cause of a sole minister—secrecy being undoubtedly best observed by one; and such a sole minister may, by the same reasoning, as well refuse the communication of measures to the rest of His Majesty's Council, and thereby engross a power inconsistent with and fatal to this Constitution."

Lord Chatham, speaking in 1742 on the Motion for inquiring into Sir Robert Walpole's Administration, had said—

"There are several suspicions abroad relating to his (Sir Robert Walpole's) conduct as a Privy Councillor, which, if true, would be of the last importance to the nation to have discovered. It has been strongly asserted that he was not only a Privy Councillor, but had usurped the whole and sole direction of Her Majesty's Privy Council."

With regard to the excessive power of a single Minister, or of a section of the

Ministers, the noble Lord said that the evil principle of the supremacy of the Prime Minister had grown into a vast system, and adduced in support of his argument the statement of the Duke of Wellington on coming into Office in 1834, that he could understand no question, because all had been carried on by private letters, so as to keep the incoming Cabinet in the dark. There was also the remarkable letter of the Prince Consort, addressed on Her Majesty's behalf, to Lord John Russell, complaining of the independent action of Lord Palmerston, who was then Foreign Minister—

"As a Minister, the Sovereign has a right to demand from Lord Palmerston that she be made thoroughly acquainted with the whole object and tendency of the policy to which her consent is required; and, having given that consent, that the policy be not arbitrarily altered from the original line; that important steps be not concealed from her, nor her name used without her sanction. In all these respects Lord Palmerston has failed towards her, and not from oversight or negligence, but upon principle, and with astonishing pertinacity against every effort of the Queen."

On the 20th of August, the Queen wrote a Memorandum, in which these words occur—

"The Queen requires—first, that Lord Palmerston will distinctly state what he proposes to do, in a given case, in order that the Queen may know, as distinctly, to what she is giving her Royal sanction. Secondly, having once given her sanction to a measure, that it be not arbitrarily altered, or modified by the Minister. . . . She expects to be kept informed of what passes between him and the Foreign Ministers, before important decisions are taken."

It appeared from this that there was a common practice for the Prime Minister to take action without telling the Sovereign; and another bad practice of arbitrarily and wantonly altering measures which the Sovereign had sanctioned; and a third nefarious custom of carrying on secret negotiations between the Prime Minister and Foreign Ambassadors, without informing the Sovereign. On August 17, the Prince Consort, on the part of the Queen, had an interview with Lord Palmerston, of which he wrote a memorandum—

"To give him an example of what the Queen wanted, I would ask him a question point-blank. He was aware the Queen had objected to the Protocol about Schleswig (July 4th 1850), and of the grounds on which she has done it. Her opinion had been overruled: the Protocol, stating the desire of the Great Powers to see the inte-

grity of the Danish Monarchy preserved, had been signed, and upon this the King had invaded Schleswig, where the war was raging. If Holstein were attacked also, which was likely, the Germans would not be restrained from flying to her assistance. Russia had menaced to interfere with arms if the Schleswigers were successful. What would Lord Palmerston do when this emergency arose (provoking most likely a European war), and which would arise very probably when we should be at Balmoral and Lord John in another part of Scotland? The Queen expected from his foresight that he had contemplated this possibility, and required a categorical answer as to what he would do in the event supposed. Lord Palmerston entered into a long controversy about the Protocol and the complicated state of the Danish question, called the contingency a very unlikely one, &c., &c. After a full hour's conversation on the subject we were, however, interrupted, without my being able to get a positive answer."

Again, Mr. Disraeli, in his address to the electors in 1857, had complained of Lord Palmerston that he had led the country into secret negotiations, and had by that means subjugated Parliament to himself. Now-a-days, matters were concealed even from Members of the Cabinet themselves. The Duke of Newcastle, when examined before the Sebastopol Committee, in 1855, said there was no quorum to make a Cabinet, and those Ministers who were not in town had no knowledge of what was going on except from the public prints. A curious illustration occurred last year of the way colleagues in the Cabinet were kept in the dark. On the 13th of June the Secretary of State for the Colonies, addressing an audience in Gloucestershire, assured them

"That the main points, the principal lines which had been distinctly laid down in Lord Salisbury's despatch (of April 1) would be adhered to at the Congress of Berlin;"

and yet the very next day the publication of the Salisbury-Schouvaloff surrender in *The Globe* newspaper showed that these main points had been given up three weeks before. The thing had been erected into a vast system by this time. Lord Wodehouse, in the evidence before the Committee on Diplomatic Service, in 1861, said it was indispensable that there should be a private correspondence between the Foreign Secretary and the heads of the Missions abroad, and that in publishing despatches the Foreign Secretary might, if he pleased, omit any part. Lord Clarendon said that in his correspondence with Foreign Ministers he invariably wrote private letters, and not despatches, in

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order that they might not be laid before Parliament. Sir Andrew Buchanan and Lord John Russell gave corroborative evidence. The noble Lord then referred to cases in which Lord Palmerston had acted independently of the sanction of the Crown and the approval of his Colleagues, and particularly to his isolated and independent action with regard to the *coup d'état* of 1851, when he seemed to have regarded himself as an absolute Dictator. In recent times this system appeared to have been carried still further, for it had been said that along with the despatch which censured Sir Bartle Frere a private letter had been sent out telling him not to mind the censure. If this were not true, it behoved the Ministry to deny it. The noble Lord proceeded to cite the judgment of Lord Chief Justice Camden, delivered in the case of "*Entick v. Carrington*," which was reported in Volume 19 of the State Trials, to show that the practice of the issuing of warrants for the seizure of papers by the Secretary of State was illegal. The learned Judge said—

"The practice since the Revolution has been strongly urged with this emphatic addition—that an usage tolerated from the 'Era of Liberty,' and continued downwards to this time through the best ages of the Constitution, must necessarily have had a legal commencement. If the practice began then, it began too late to be law now; if such a right should have existed from the time whereof the memory of man runneth not to the contrary and never yet have found a place in any book of law is incredible."—[*State Trials*, v. 19.]

Therefore, he contended the mere fact of the Cabinet being the usage of the time did not take from the Privy Council the right to advise the Crown—a right which was in accordance with the Common and Statute Law of the land. In comparing the old Constitutional system with the present illegal system, he begged to remind the House that the latter had sprung up in the very worst and most corrupt period of our history, when certain unprincipled men, having banded themselves together for the purpose of furthering their private ends, took into their own hands the power of advising the Sovereign. The right hon. Member for the London University (Mr. Lowe), in speaking on this question in August, 1878, said—

"As long as the King administered the Constitution he had a great reason for exercising

moderation; because he had a great stake in the country. The Revolution came, and the change which I have mentioned followed; the Administrative Government of the country was placed in the hands of the gentlemen who for the time possessed the confidence of the House of Commons. This, so far from mending things, has made them a great deal worse; because those gentlemen have not the same stake in the country that the King had. They can produce the most enormous results; they can dare the most extremely audacious things without having to suffer anything very severe in consequence. Therefore, the use of arbitrary power has become much easier and stronger against the people than it was in the old times before Ministers governed the country. It is perfectly manifest that if this state of things may be supposed to be permanent the liberties of the country are not worth a day's purchase."

He thought, then, he had shown that both by Common Law and by the Act of Settlement a Cabinet was an illegal adviser; and proceeded to cite the opinions of Charles James Fox, Sir George Cornewall Lewis, and Mr. Gladstone, to the effect that the Cabinet was an illegal body. He further proceeded to cite the recent declarations of Lord Derby, to show the impossibility of fixing responsibility for any act of the Cabinet upon any individual Member of it. There was one act which must fall upon the Crown alone, for which no pretence of responsibility could be adduced on the part of the Cabinet, and for which, if there was no Privy Council to be responsible, then no one was—he meant the dismissal of a Ministry. King William IV., for instance, dismissed Lord Melbourne when there was a large majority in that Minister's favour. Who was responsible for that dismissal? If the Privy Council had advised it, there would be evidence of their advice; and they would be held responsible. But they could not say that the Cabinet was responsible, because the Cabinet was itself dismissed, and the Members of it were not responsible for their own dismissal. Yet the Crown was never responsible. Who, then, was responsible? "No," someone would say, "nobody was responsible for that act, except the King himself." Yet they told him he was never responsible. Was not that a *reductio ad absurdum* of Cabinet government? The Crown was not responsible; the Cabinet was not responsible; and nobody was responsible for the most grave and critical of all acts—the dismissal of a Ministry—unless they re-established the Privy Council, and held them responsible.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

LORD ROBERT MONTAGU, who, on rising to proceed, was received with cries of "Divide, divide!" said, if the hon. Member for the Tower Hamlets and the hon. Baronet the Member for Wexford would behave themselves properly and keep themselves decently quiet, he would not continue much longer. ["Order!" and "Divide!"]

MR. SPEAKER: I must ask the noble Lord to address himself to the Chair.

LORD ROBERT MONTAGU continued by saying that if the hon. Member for the Tower Hamlets would be decently quiet he would conclude in two or three minutes; but if that hon. Member would not refrain from interrupting, he would have to occupy another hour or more. The noble Lord continued his address amid much interruption and total inattention, saying that what he had been endeavouring to prove was this—that by the Statute Law and the Common Law, the Crown was bound to exercise its Prerogative on the advice of the Council, and on that advice alone—that in no other manner whatsoever could anyone be held responsible for the policy or for the acts of the Crown—that there could be no responsibility, except on the advice of the Council—that individual Members of the Cabinet were not responsible, and that by the Cabinet system responsibility was entirely evaded. The noble Lord continued to point out at great length his views of the evils of the Cabinet system, in assuring the omnipotence of a single individual (the Prime Minister) without individual responsibility; and finally moved the Amendment of which he had given Notice.

THE O'CONOR DON seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "by the Constitution and Laws of this Realm, it is the right and duty of the Sovereign, with the advice of the Council, and only by that advice, or by the advice of Parliament, to direct the foreign policy of the Country, to negotiate and enter into Treaties, and to declare war or conclude a peace,"—(Lord Robert Montagu,)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. MARTEN observed that, it was a little hard upon hon. Members on his side of the House to be taunted with not replying at once to Motions brought forward by hon. Members opposite, because hon. Members opposite contrived by means of Amendments to deliver at least four speeches before their opponents could get in a word. The answer to the speech of the noble Lord was very simple. It was this—that the machinery of the Privy Council was already in full force, and was constantly exerted, as the noble Lord would see if he read *The London Gazette*, and that the Government of this country being conducted on Party principles, it was impossible that a body like the Privy Council could satisfactorily replace the Cabinet. The informal character of Cabinet Councils, so far from being an evil, appeared to him to be a great advantage, as tending to facilitate Business. The Resolution of the hon. Member for Swansea (Mr. Dillwyn) was a direct, though very complicated, Vote of Censure upon the Government. It involved no less than 13 propositions, and the suddenness with which it had been placed upon the Paper in its present form was quite unprecedented in a Motion of so serious a character. The hon. Member for Liskeard (Mr. Courtney), in seconding the Resolution, quoted the well-known book, *A Vindication of the English Constitution*, by Mr. Disraeli. He was surprised at the hon. Member's hardihood in so doing, for the book contained the best vindication of the Tory Party and the strongest condemnation of the Whigs and Radicals that ever was penned by a statesman; and he was quite sure that the hon. Member would not make many quotations from it that would serve his purpose from a political point of view. Neither the Proposer nor the Secunder offered any argument to show why the House should practically without notice entertain their proposal. But apart from the suddenness with which it was brought forward, he objected to the Motion because it was totally unjustified by any facts which hon. Members opposite had cited. The policy of the Government on all the subjects that had been mentioned had been formally challenged and debated in the House over and over again; and in every instance there had been a triumphant majority for the Government, fully confirmed by the opinion

of the country. The hon. Member for Swansea, in one of the 13 propositions, asked the House to affirm that the abuse of the Prerogative of the Crown was a growing abuse. What proof had he given that there had been any abuse whatever? The Secunder of the Motion spoke of the Abolition of Purchase in the Army as the greatest abuse of the Prerogative in modern times; but that had occurred during the Premiership of the right hon. Member for Greenwich (Mr. Gladstone), and, therefore, it disposed of the allegation that there was a growing abuse. Nothing had been done by the present Government which at all approached the exercise of the Prerogative which was achieved by the right hon. Member when, by a stroke of the pen, he abolished Purchase, in spite of the decision of one of the co-ordinate Branches of the Legislature. Notwithstanding his desire to adapt his Resolution to the feelings of his Friends, the hon. Member for Swansea, like the madman in the novel who could not keep Charles I. out of his letters, had been unable to keep the "supposed personal interposition of the Sovereign" out of the Resolution. It was only "supposed," and what ground was there for saying even that? The only ground was that Her Majesty had written a letter to Lady Frere. Was Her Majesty to be the only lady in her Dominions who was not to write a private letter? The character of the assertion made was the more atrocious, because if ever there was a lady of the highest rank who had lived, as it were, fully before the people and taken them entirely into her confidence, it was Her Majesty. She had caused books to be published which had allowed the public to enter into her daily life, and which contained many interesting and touching accounts of the private life of the Royal Household. After all this, was Her Majesty to be condemned because she had written a private letter to Lady Frere? A more monstrous proposition was never brought forward. The hon. Member had not the courage of his former Resolution; but he asked the House to act on a supposition, and that a most improper one, entirely unsupported by facts. The last proposition which the House was asked to affirm was that the Government had withdrawn from the cognizance and control of the

House matters which ought to be within its scope. He contended that no proof had been given of this allegation. The purchase of the Suez Canal Shares was brought before Parliament immediately it met. As to the removal of the Indian troops to Malta, it was impossible that such a measure, any more than the plan of a campaign, could be previously discussed by the House. The theory of the Constitution was that Her Majesty acted by means of agents who were responsible for acting in a legal manner, and liable to impeachment if they did not; and the very instances of impeachment which had been named proved that the Constitution was strong enough to meet any cases that were likely to arise. It was, therefore, idle to maintain that under these circumstances there was any likelihood of the Prerogative of the Crown being strained or abused. He trusted that the House would reject both the Resolution and the Amendment, meeting the Resolution by a negative.

MR. HUTCHINSON said, he was afraid that the hon. and learned Member for Cambridge (Mr. Marten) who had just sat down had not furnished an exception to the usual plan of leaving the arguments of the Opposition unanswered. He had, in his turn, made two complaints—first, that the Resolution of the hon. Member for Swansea (Mr. Dillwyn) had been altered; and, secondly, that that had been done too suddenly. It had, however, already been explained that the change had been made to obviate misconception; and as for the Vote of Censure said to have been sprung suddenly upon the House and the Government, the altered form of the Resolution was in that respect identical with the original. The Government had, therefore, received notice of Censure some six weeks ago, which he (Mr. Hutchinson) thought afforded ample time for preparation. The language of the hon. and learned Gentleman had been animated, but yet, upon the whole, characterized by a laudable degree of moderation, which he hoped would be maintained to the end. Though there would be much difference of opinion respecting the necessity of the Motion, or even of any Motion on the subject, there ought to be absolute unanimity respecting the tone and temper in which the question should be discussed, if raised at all. Our Constitutional system, being itself largely

the product of centuries of mutual conciliation and reciprocal adjustment, even when there was reason to believe that the lost balance between its various forces needed to be regulated anew and restored, the process should be marked by a careful avoidance of needless political friction. With the utmost courtesy, then, towards the Government, and with respectful loyalty to the Crown, he desired to express his opinion that the spirit of mutual forbearance he spoke of had latterly been a good deal less active than might be wished. Instead of it, there were indications of a desire to insist on wider limits of Prerogative, and even to stretch them, as the phrase was; to forget that a strictly technical right might be exercised so as to become a grievous practical wrong. That which might be even constitutionally lawful, according to the letter, was not by any means invariably politically expedient. Especially did it behove those in authority in this country, whether Monarchical or Ministerial, to remember that only when power was gentle could they expect obedience to be liberal. When Prerogative, for example, claimed that some unexpected extension of its jurisdiction was, after all, within the four corners of legality, the subjects of Prerogative in their turn began to inquire not how much service they could cheerfully render, but how little might suffice. It was the old story over again of Isaac of York, in *Ivanhoe*, who calculated how few coins might pass muster for a handful; and hesitation of that sort was but a sorry substitute for the ungrudging generosity that did not stay to reckon. One would hardly think, too, that repeated excavation, for the purpose of laying bare and measuring the foundations of an edifice, was an operation eminently conducive to its stability; and, in like manner, it appeared to him that institutions were not strengthened by acts necessarily suggesting Motions like that of his hon. Friend. He said "necessarily suggesting such Motions," for the House of Commons was nothing if it were not the embodiment of the national feeling and the national will in things political; and, at the present time, two well-defined characteristics of public opinion might be distinctly made out. There was, first, a wide-spread conviction that personal authority, Monarchical or Ministerial, or both—it being a hardship in

the case that the two had been purposely confused, so as to be made indistinguishable—was encroaching on representative function and privilege. Secondly, there was a decided opinion that this encroachment ought to be resisted and checked. If displacement of the Constitutional balance there was to be, that was not quite the direction in which they were likely to move willingly. The process of evolution and development, which had gradually transferred power from the few to the many, would hardly be arrested by a new revolutionary, or, if that phrase were thought offensive, a new re-actionary plan, whereby concentration was to be substituted for diffusion. Most certainly such a change would not be acquiesced in silently. Hence the Motion of his hon. Friend. Naturally enough, he had been expected to adduce the evidence on which he founded it, and both he and the hon. Member for Liskeard (Mr. Courtney) had shown that there was no lack of *pièces justificatives*. But they all knew there was such a thing as moral certitude, even in cases where demonstration or legal proof might be unattainable. The Scotch verdict of “not proven” implied a deficiency in the evidence, rather complete absolution of the culprit. There was even such a thing conceivable as a verdict of “not guilty,” coupled with a warning not to do it any more. This latter was the disposition of his hon. Friend the Member for Swansea, who was willing to let bygones be bygones if the offence were not repeated. Now, the strength of this case did not lie altogether in the specific instances brought forward, as in a series of words and actions, each comparatively insignificant did it stand alone, but, taken together, constituting a rather formidable aggregate, all pointing in one and the same direction. What was the consequence? Why, a general belief that the influence of which the Motion spoke was improperly increasing. Such beliefs did not arise out of nothing. Carlyle’s notion of a whole nation going mad together had not yet been realized among us. A famous politician once said that he knew not how to frame an indictment against an entire people; but to say there was no cause for the apprehension referred to in the Motion was to impugn the common sense of a large portion of this nation. Such a belief in itself justified the course taken by his hon. Friend; when-

Mr. Hutchinson

ever they were widely entertained, they ought to find expression in that House. He knew it would be argued that what had been done was innocent or unimportant. [“Hear, hear!”] Yes; but Parliament had always been wisely tenacious of privilege and jealous of novelty. It had felt the necessity of resisting the beginnings of things, because our whole system was built up on precedents, the innovation of to-day tending to mature into the established custom of to-morrow. Besides, what might be perfectly safe at one time might be fraught with serious peril at another. National interests were far too precious to be left at the mercy of Monarchical or Ministerial caprice. They could not guarantee to posterity an un-failing succession of Premiers endowed with infallible wisdom, nor an uninterrupted series of Sovereigns blessed with perfect political discretion. Therefore must they hand down the safeguards they themselves had received. The authority of the Government and the interference of the Sovereign must be kept within the strict limits prescribed by usage, and by usage as modified during these latter days, when the bounds of freedom had been made broader yet. This was not now done. It was a new thing, so far as he knew, for the Sovereign to be in confidential correspondence with the Viceroy of India, and for the Chancellor of the Exchequer, the Leader of that House, on being interrogated respecting the matter, to say that he and his Colleagues had nothing to do with it. The answer of the right hon. Gentleman was courteous, as were all his replies; but was not on that account the less unsatisfactory. It was also something of a novelty for a Colonial Secretary to inform the House that he knew nothing about the point whether the Sovereign had expressed confidence in Sir Bartle Frere, whom the said Colonial Secretary had censured. The answer of this right hon. Gentleman was equally unsatisfactory, but was not marked by an excess of courtesy. The question naturally arose whether anybody else—the Prime Minister, for example—was better informed on these matters than were his associates. If he were, what could they think of such a new development of personal government and of the submission of his Colleagues to be thus officially disrated? and if the Premier were equally in the dark with them, what had become of Ministerial responsibility, which of

course implied Ministerial cognizance as its condition precedent and correlative? Look at the business as they might, it was an infringement of the rights of Representatives of the people in Parliament. This ought not to be, even in the interests of existing institutions. They were all thoroughly loyal; this ancient Monarchy, resting on the glorious tradition and historic splendour of 1,000 years, had no more attached subject than himself. But, in his judgment, it would be most effectually upheld by not becoming too obtrusive. Likewise, the control of a Ministerial Executive would be best maintained by their taking Parliament into their confidence, instead of snubbing it, keeping it at arm's length, and generally treating it disdainfully, as was now too much the supercilious mode. In this country any system which sought to extend the jurisdiction of Monarchs or Ministers at the expense of Parliament, increasing the authority of the one and eliminating the control of the other, would soon bring about consequences which he wished to avert. English politicians were sometimes accustomed to smile at the *doctrinaire* pedantry which thought that great nations could be ruled by written codes, or by cleverly constructed regulations, meant to map out Scientific Frontiers dividing the various forces composing the State. In this country, they preferred the applied experience of successive generations. But how, if, at the present moment, an attempt was being made to govern this Empire in accordance with the ideas contained in certain political novels? How, if to the realization of those new-fangled theories, the time-honoured privileges of Parliament were being sacrificed? Lord Beaconsfield recently declared, with all the magniloquence of a maxim maker, that the world was not governed by the hare-brained chatter of irresponsible frivolity. He was afraid, however, that the hare-brained chatter of certain frivolous, irresponsible, and fictitious personages in two or three very trashy novels, considering them from the literary point of view, did nevertheless actually set forth the principles on which the affairs of this Empire were now managed. His Lordship, in the very same sentence, went on to say that the world was governed by Sovereigns and statesmen. The House would notice that order of precedence, indicating, as it did, the

domination of personal influences, rather than the free play of representative forces. With the utmost loyalty and respect, he affirmed that, in the last resort, the world was governed neither by Sovereigns nor by statesmen, but by the common sense of the whole community. Among themselves, at any rate, public opinion was the supreme authority, the final court from which there was no appeal. Its force, when exerted for a great Constitutional purpose, was, and ought to be, irresistible. He believed it would be found supporting the Motion of his hon. Friend.

MR. NEWDEGATE said, he believed that the Amendment of the noble Lord the Member for Westmeath (Lord Robert Montagu) was before the House, and that the House would have to vote upon this in the first instance. Unlike a good many hon. Members, he had had sufficient patience to listen to the speech of the noble Lord; and he thought that hon. Members were guilty of some neglect, when they treated with indifference utterances which, however perverted was the view of Constitutional history they presented, and however dangerous the doctrines they advanced under the pretence of extreme loyalty and a desire to strengthen the position of the Crown, were, nevertheless, those of a well-informed Member of the House. The noble Lord had given an able exposition of his opinions. He had declared that the existence of a Cabinet was a modern innovation and an abuse—he described what he said once were, and what he hoped would again be, the functions of the Privy Council. According to the noble Lord, the Privy Council was to be a body independent of, and, in many respects, superior to, Parliament, especially with respect to the control which it should exercise over the Prerogative of the Crown; in other respects the Privy Council was, according to the noble Lord, to be equal to Parliament. The views enunciated by the noble Lord reminded him (Mr. Newdegate) of the only work in which he had seen such opinions fully advanced—the Memorial of the celebrated Jesuit, Father Parsons, which was discovered amongst the papers of James II. after his abdication. He did not think, however, that Parliament or the country would accept of the Privy Council as a body independent of, and, in some respects, superior to, itself. Such were

the views upon which James II. acted, and by so acting he lost the Throne. It was strange, in this 19th century, to hear such views advanced in the British House of Commons, and that those who advanced them should claim an almost exclusive loyalty. The danger was none the less when these opinions were presented in their Conservative phase rather than in their democratic aspect. This policy was advocated in letters and communications which appeared in *The Tablet* and other Ultramontane journals. Let the House remember that there were now a great number of establishments in this country which were under the direction of those who entertained these opinions, and who were likely to obtain a hold upon a considerable section of the population. On the present occasion, those views had been expounded to the House by a noble Lord who avowed himself to be a Home Ruler. This, it now appeared, was another form in which the Home Rule Party proposed to trench upon the duties, functions, and position of that House. This was not a matter, therefore, which the House should treat with neglect, for the House had already had some experience of the power of obstruction and of the interference with its functions which the Home Rule section of the House was capable of exercising; and if these views were to be promulgated without contradiction throughout the country, the House of Commons might find itself compelled actively to defend its highest duties and the retention of some of its most important functions. They had now among them that dangerous school of re-action, whose support and influence had proved fatal to so many Princes. It was through this influence that the Thrones of Naples and of France had disappeared. He (Mr. Newdegate) believed that Her Majesty was incapable of lending an ear to such advice, though it might reach Her Majesty, as it might reach Her Successor, as it was certainly reaching a considerable section of the population. He held it to be the duty of the House of Commons to protect the Privileges which it had inherited and the functions they had performed for so long a period. In this proposal of the noble Lord to recognize the Privy Council as a body totally independent of, and, in many respects, a substitute for, Parliament, they had

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an embodiment of those re-actionary views which were sometimes associated with democratic movements, and which were not one whit less dangerous when entertained by nominal Conservatives. He should vote, then, without any hesitation, against the Amendment of the noble Lord. He regretted that he could not vote for the Resolution of the hon. Member for Swansea (Mr. Dillwyn). He had voted for the maintenance of the legal restriction imposed upon the Prerogative by the Act for the Government of India, under which the authority of the Crown had superseded that of the East India Company—when the India Act had, in his opinion, been violated. He had voted against the extension of the Prerogative when the clause in that Bill which was intended to limit the Royal Prerogative, and of which the late Lord Derby was the author, was set at nought; but he could not vote with the hon. Member for Swansea in the present instance, for this reason—that the original form of the hon. Member's Notice had directly impugned the action of Her Most Gracious Majesty, whilst, in its altered shape, that of the Motion now before the House, the suspicion was revived that Her Majesty had exceeded the functions which, under the law and by the law, were confided in her. He had not heard one word, either from the hon. Member for Swansea, or in the able speech with which the hon. Member for Liskeard (Mr. Courtney) had seconded the Motion, by which even an attempt was made to prove the justice of this imputation upon Her Majesty; and he should deem himself unworthy of a seat in that House if he were to record his vote in condemnation of the conduct of Her Majesty, without the clearest proof, upon mere unsupported suspicion. He should be no less unworthy, in his own opinion, were he, when clear evidence of excess on the part of the Crown was adduced, to shrink from voting in restraint of that excess on the part of the Sovereign in the exercise of the Prerogative of the Crown.

MR. E. JENKINS thought it very likely that the opinion of the House on this debate might not turn out to be the opinion of the country; and if the Chancellor of the Exchequer supposed that the few words uttered by him, and the deprecatory observations of the right

hon. Gentleman the Member for Greenwich (Mr. Gladstone), would satisfy the country that an answer had been made to the speeches of the Mover and Seconded of the Resolution, he was much mistaken. He said this, because he was certain that, whatever the issue of the debate might be, he and his Friends were speaking the opinion of a vast number of people in this country, when they asserted that the Motion on the Paper demanded the serious attention of Parliament. He could not but remark on the criticisms of the right hon. Gentleman the Member for Greenwich upon those who had brought forward a Motion embracing a series of things, the responsibility for which had already been accepted by the House, that, as far as he understood it, the reflection of the right hon. Gentleman meant that whenever anyone found himself in a minority in that House he was not justified in making repeated endeavours to press forward a particular question. If, however, they looked back to the right hon. Gentleman's own history, they would see that on occasions when he was right, and when he was wrong, he had stood out amid miserable minorities. He had made 73 speeches in opposition to the Divorce Bill; and had he not, against the feeling of the House, led the Opposition to the Ecclesiastical Titles Bill?—in which, no doubt, he was right; and surely, therefore, he could not blame those who, feeling the Constitution in danger of invasion, entered a protest against the action of the Government. The best way of putting the grounds on which that protest was entered would be to quote from Sir Erskine May what were supposed to be the results of the Constitutional struggles of a century. Speaking of a time when the Constitution was supposed to have been settled, Sir Erskine May stated that from that time no question had arisen concerning the exercise of the Prerogative or influence of the Crown; that both had been exercised wisely, justly, and in the true spirit of the Constitution; that Ministers enjoying the confidence of Parliament had never claimed in vain the confidence of the Crown; that their measures had not been thwarted by secret influence and irresponsible advice; that their policy had been directed by Parliament and public opinion, and not by the will of the Sovereign or the intrigues of

the Court; and that vast as was the power of the Crown, it had been exercised throughout the present Reign with the advice of responsible Ministers in a Constitutional manner and for legitimate objects; that it had been held in trust, as it were, for the benefit of the people, and hence it had ceased to excite the jealousy of rival Parties or popular discontent; that the judicious exercise of the Royal authority, while it had conducted to the good government of the State, and sustained the moral influence of the Crown and the devoted loyalty of a free people which Her Majesty's personal virtues had merited, had never been disturbed. It was impossible to read this description without feeling that the country was now falling back on the system of secret influence, when the name of the Crown was misused for the purposes of Party government, and when, in consequence, as shown in the public organs of the day in Scotland and the Northern and Midland Counties, there was a widespread feeling of jealousy with regard to the manner in which the Crown was influenced. In consequence of the course which this debate had taken, it fell upon a few shoulders to maintain the proposition which had been put forward, and he hoped the House would permit him to add some observations to those which already had been made in support of the Motion. ["Oh, oh!"] He could assure the hon. and gallant Gentleman (Admiral Sir William Edmonstone) that it would not conduce to shorten his observations if he continued his interruptions. Let him for one moment refer, in the first place, to one or two facts which had been adduced by his hon. Friend (Mr. Dillwyn) to prove the grounds on which the feeling to which he had alluded existed in the country. He did not think it was unimportant to-night, when they were gathered together for the purpose of establishing their propositions, to take an historical view of the actions of Her Majesty's Government, although it had been said by the right hon. Gentleman the Member for Greenwich that it was irrelevant to go back to discussions which had taken place in this House. He did not intend to trouble the House with a discussion upon the meaning of the word Crown or Prerogative; but only wished to point out that the Crown, in the sense in which it was used in this

Resolution, meant the Sovereign as advised by Her Ministers—the repository of the Executive power, the repository of the Prerogative. Many hon. Members seemed to think that the Prerogative was a sort of Divine institution, or something which originally belonged to the Monarchy or Sovereign whereas if they would look into the matter fully, they would find that even the most theoretical lawyers would admit that the Prerogative was nothing more nor less than that which was granted to the Sovereign to be used as a trust for the benefit of the people. The struggle between Prerogative on the one hand, and liberty on the other, had been constant, and this House had been the scene of the struggle; and it was only the following up of the traditions on the side of liberty in the past that justified his hon. Friend in making his present Motion. They need not recall the incidents connected with the commencement of the Afghan War, or of the removal of the troops to Malta, or the purchase of the Suez Canal Shares, or other matters of that sort; but he did ask the House to consider whether or not there did not seem to be on the part of both the front Benches a certain indifference to deal with the gradual infringement of the Crown by the advice of the Ministers on what he regarded as the Constitutional rights and privileges of this House? At this moment there were going on in Egypt negotiations of a delicate and important character to this country; but they had no Papers and no information respecting negotiations. Her Majesty's Government refused to give them any information later than the end of last year; but some day the Chancellor of the Exchequer would come over to the House, and they would suddenly learn that they had been committed to some new Guarantee, or that they had entered into some Treaty with France. He asked if it was possible long to maintain the right of the Crown to act in that way behind the back of this House and of the country, to commit the country to a large expenditure, and involve it in serious guarantees? How long was it likely that the country would stand a Prerogative so extensive? The effect of the proposition was that the mode and limits of the exercise of the Prerogative should be more strictly observed. That proposition was not disputed by the front

Bench, and the right hon. Gentleman the Member for Greenwich was unable to say that he disputed the proposition that the Prerogative, as assumed by the Government at the present moment, ought to be allowed to remain in its present position. He did not wonder that the right hon. Gentleman was indisposed to make a long speech on this question. He remembered that when the hon. Gentleman (Mr. Rylands) called attention to the treaty-making power of the Crown, the right hon. Gentleman jumped up to defend the Crown, as if the Treasury Bench were not sufficiently capable of doing that. In a few weeks afterwards, the right hon. Gentleman had occasion to retract his words; for, in the meantime, the Turkish Convention had been concluded. It was then found that his doctrines had become inconvenient. It was found that this country had entered into serious guarantees, and that the broad propositions laid down from the front Opposition Bench were no longer to be maintained with their full force and authority. The country would consider the unwillingness of the front Benches to deal with this question as significant. They would see that there was a change in the influence of the Crown which not only affected Ministers in power, but Members who were looking forward to power, and they would learn with satisfaction the protest which came from Members below the Gangway against this unjust assumption of the Prerogative on the part of the Crown acting on the advice of its Ministers. He felt that this occasion had not been a sufficient one to hammer out the question; but he would say that it was the duty of the Government to take care that incidents such as had recently occurred should not occur again. If it was true that a large sum of money had been paid for telegrams from the Viceroy of India to the Queen, it could not be that those telegrams were on matters of private business. They must have conveyed information concerning the political condition of the country. But a more serious thing than that was the fact that the telegrams sent with reference to Lord Chelmsford—sent by the Crown on the responsibility of a single Cabinet Minister—had had the practical effect of withdrawing from the consideration of the House the competency of Lord Chelmsford. He admitted it was dic-

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tated by a generous sentiment; but it exercised an unconstitutional influence, and in a former age the Minister who sent it would have been impeached, and he certainly thought he would have deserved it. There could be no harm from this inoffensive discussion, and the opinions which had been expressed might have a good effect. The matter rested upon two grounds, the policy pursued by Ministers and the little evidences of personal influence. He believed that the time was not far distant when the Crown would be relieved of any suspicion of the exercise of this illegitimate influence, because public opinion would remove from the *entourage* of the Crown the present dubious Advisers of Her Majesty, and put in their places others who would possess the confidence of the country.

MR. FAWCETT, who had on the Paper the following Amendment to the Motion of the hon. Member for Swansea:—

"That this House, while at all times anxious to protect the privileges of Parliament against any encroachment on the part of the Crown, is of opinion that there is no evidence to show that in the Indian and foreign policy of the Country the Sovereign has acted without the advice of Her Ministers, who are directly responsible to Parliament,"

said, that early in the evening his hon. Friend the Member for Swansea (Mr. Dillwyn) had misunderstood his motive in asking that the Motion might be postponed. He (Mr. Fawcett) now wished to explain to the House what he intended to do. This was not a question of Order, but of fairness in their Parliamentary conduct of proceedings. Six weeks ago, the Chancellor of the Exchequer answered a Question put to him by his hon. Friend (Mr. Dillwyn) in reference to the telegram sent by Lord Lytton to the Queen; but what course had his hon. Friend taken? Why, he gave Notice of a Motion which remained on the Paper till last night. He felt that that Motion bore but one interpretation according to common sense—that it was a Vote of Censure upon the Sovereign; and, therefore, he put down his Amendment, as no evidence had been offered in proof of the charge. The hon. Member for Dundee (Mr. E. Jenkins) appeared to be under the impression that everyone who differed from him was under Court influence. As he might come within the

category alluded to by his hon. Friend, he wished it to be understood that he was actuated in this, as in other questions which came before the House, solely by a wish to see equal justice done by and between all persons, whether they belonged to the highest or the lowest classes in the Realm. That might be called Court influence; but that was his sole motive for bringing forward his Amendment. It seemed to him that a charge by inference was far worse than when made direct; and what could words convey more than in the Motion of his hon. Friend that the Sovereign had done something that ought not constitutionally to have been done? He withheld his Amendment as long as he could do so. It was not until late last night that the hon. Member for Swansea, at the suggestion of the hon. Member for Dundee, altered his Resolution; and it was contrary to the usage of the House that a Motion conveying Censure should be only given Notice of at a period so late that it was not possible for any hon. Member to frame an Amendment which could be placed on the Paper so that hon. Members could express an opinion upon it. He was not the one to shrink from expressing his disapproval of the conduct of the Government; but when a Censure on any Government was proposed, it was only fair that Notice should be given of it. As to his own Amendment, he felt that it was no longer relevant to the Motion now on the Paper, and he should withdraw the Amendment, taking no part in the Division. It seemed to him that it was the very essence of Liberalism to maintain the great principle of Ministerial responsibility. Some hon. Members spoke as if the English people were not a self-governed nation, and as if, at the present time, there were some influences which the House could not reach, and some power which it could not attack. He believed that with an extended suffrage England was as much a self-governed nation as she ever was, and that it was just as impossible now as it ever had been in the past for any Monarch or Minister to contravene the wishes of the people. It might be said, how did he account for the policy of the last four or five years? The Government had been pursuing a policy in every part of the world fraught with danger to the best interests of the Empire. Do not let the Government,

now that the people were beginning to pay some of the penalties of that policy, shelter themselves behind "Court influence and personal government." The people who were responsible for this policy were the people of England themselves. If the Government had not been supported by the people, the policy which had been carried out could never have been persisted in. [*Ministerial cheers.*] That statement was cheered from the Conservative Benches, and he should repeat it again and again in the country, because up to the present time thousands of lives were sacrificed and millions of treasure were being wasted. Do not let the people of this country, like the people of France, attempt to shift the responsibility from themselves. If they had not been in favour of this so-called Imperial aggressive policy, that policy would never have been carried out. It was said that this Ministry was supported by the Court as against the wishes of the people. Nothing of the kind. When the Government found their policy resisted by the opinion of the country, the Government yielded at once. What did they see last autumn? The Government was then at the height of its power. The Government announced that they were going to give some English money to the people of Turkey; but within a few hours they withdrew that announcement. Why did they do so? Because they, like any other English Government, knew that they must submit to the popular view. Therefore, he thought there was a great deal of exaggeration about this Court influence. Let them encourage in the people this belief, which was, he believed, a true belief, that in them was centred all political power; and if the Government acted wrongly, it was their fault if those wrong acts were committed. He should have been delighted to express his opinion on some of the questions raised in this debate. That he hoped to be able to do on some future occasion. His hon. Friends who sat around him must not suppose that he differed from them in principle; but, whether right or wrong, he could not come to any other conclusion than that, as the Motion of his hon. Friend the Member for Swansea had been suddenly changed, it was better that he should not intrude upon the House the Amendment he had intended to move, or take any part in the Division.

Mr. Fawcett

THE CHANCELLOR OF THE EXCHEQUER: Sir, I regret very much to stand between the right hon. Baronet the Member for Tamworth (Sir Robert Peel) and the House, and I regret it still more because I gather from some voices behind me that an impression prevails that there is something irregular in my addressing the House a second time to-night. In point of fact, I have only said a few words, and those not upon the present Motion, but upon the original Motion presented to the House by the hon. Member for Swansea (Mr. Dillwyn), and those few words were only used in order to explain why at that time I did not think it my duty or convenient to enter upon the question. I feel that it is now full late for a speech to be delivered from this Bench in answer to the charges which have been made, and as to which we are peculiarly responsible; and I think I should not be doing my duty if, after what has recently been said, I should any longer delay in addressing the House. I waited until I should hear the hon. Member for Dundee (Mr. E. Jenkins), because I felt, under the peculiar circumstances of the debate, that he was the real author of the Motion now before the House. The hon. Member for Swansea, as we have been reminded, gave Notice of his Resolution some weeks ago; and it was not until the hon. Member for Dundee gave Notice last night of an Amendment of an important character upon that Resolution that the hon. Member for Swansea changed the wording of his Motion. Well, Sir, it is not convenient that the wording of a Motion should be changed suddenly; but it is still less convenient if a change is made for the reason assigned by the hon. Member for Swansea. The reason put forward by him was that he found that the Motion of which he had given Notice was misconstrued, and that it was understood to bear a meaning which he never intended it should bear—namely, that he was intending to move a Resolution conveying a Censure upon Her Majesty the Queen, and that it was in order to get rid of that unfortunate misunderstanding that he agreed to change the wording of his Resolution. I fully accept, and everyone who knows the hon. Gentleman would be prepared to accept in the largest measure, his disclaimer of the intention to make any charge of a personal character upon Her

Majesty the Queen. But I think no one can have watched the course even of this debate, and that no one can have observed the language which has been held out-of-doors during the time that the Motion has been upon the Paper, without seeing that whatever was the intention of the Mover, at all events the impression conveyed to many minds and to the public was that the conduct of the Queen was charged as unconstitutional by the Motion; and I rejoice to find, and we all rejoice to find, that such was not the intention of the hon. Member for Swansea or the hon. Member for Liskeard (Mr. Courtney). Still, we feel it is indispensably necessary that we should, in the most distinct and most emphatic manner, repudiate and rebut the charge which has been brought against Her Majesty. The Amendment of which the hon. Member for Hackney (Mr. Fawcett) had given Notice was an Amendment which seemed to me of the kind that we might have accepted; because, whether we were fully satisfied with it or not, it in substance appeared fairly to traverse the Motion originally intended to be made by the hon. Member for Swansea. His Motion was understood to raise the question as to whether Her Majesty had interfered in the foreign or in the Indian policy of the country without proper Constitutional resort to the advice of her Ministers, and the hon. Member for Hackney had proposed to say that there was no evidence of her having so acted. That Motion has been changed, and the Mover disclaims an intention to make a charge against the Sovereign; but still he does not, as it seems to me, withdraw the imputation, neither does the amended Motion lead at all to the satisfactory conclusion that there is no charge of interference on the part of the Crown in the State policy of the country; while it does import into the question another element, and one which it is impossible we should altogether pass over and ignore. It imports into this Resolution that which was hardly in the original Resolution—a distinct Vote of Censure upon the Government. That undoubtedly places us in a position of embarrassment, because, on the one hand, we desire to adopt such a course as may most distinctly mark the sense of the House of the inadequacy, nullity, and utter futility of the charges brought against

the Queen; and, on the other hand, we cannot accept any Resolution that gives the go-by to the charge now made against the Government of having made an improper use of the Prerogative of the Crown. Therefore, after thinking the matter over, we have come to the conclusion that there is no course open to us but to meet the Motion of the hon. Member for Swansea with a direct negative. The noble Lord the Member for Westmeath (Lord Robert Montagu) has moved an Amendment, which he supported in a speech of great research, learning, ingenuity, and of some length. But whatever may be the merits of that Amendment; it distinctly avoids the question, and we cannot accept it. The hon. Member for Hackney does not move his Amendment, and it is, therefore, clearly inappreciable. For that reason, I think we have no course open to us but to meet the Motion with a direct negative. But, Sir, in doing this, I wish to draw a distinction between the two parts of the censure which is, either directly or indirectly, conveyed. As regards the censure cast upon Her Majesty's Government, we are now, I think, become tolerably well hardened to attacks of this kind; and so far as the speeches of the Mover and Seconder traverse the old ground of the iniquities of the Government in respect of their conduct at the various stages of the critical events of last year, so far as they relate to the movement of the Indian troops, the Vote of Credit, or the various other subjects to which reference has been made, we are perfectly content to say that those questions have been brought forward in this House one by one, they have been debated one by one, and the judgment of the House has been passed upon them all singly. And if it is desired now to take them again in the lump, we are perfectly prepared to meet them in that form also. But, Sir, the case is totally different when the revered name of the Sovereign of this country is brought in question in any shape or form; and whether it be in the shape of a direct charge against Her Majesty, or of a charge against her Advisers, that they have made use of and sheltered themselves behind her name, we find it necessary to give it a distinct and emphatic contradiction. The hon. Member for Halifax (Mr. Hutchinson) said just now that there was in the

country an impression that encroachments were being made by Monarchical or Ministerial authority, or both; and the hon. Member for Dundee (Mr. E. Jenkins) echoed very much the same sentiments. He said there was a feeling of jealousy with regard to the influence of the Crown, and that if we read the newspapers, we should see that such impression was abroad. I am upon this point happy to be able to confirm the opinion which he has expressed; for it has happened that, in reading a newspaper this evening, I found the following words—I am quoting from *The Echo*:—

“But occasionally we have significant indications that the Crown is acting as permanent head of the Cabinet, or rather of the small Cabinet inside the larger one. Her Majesty sent a despatch to Lord Lytton, so lengthy that the cost of telegraphing it was 1,400 rupees. Then we have the elaborate message to Lord Chelmsford, and the still more recent one to Lady Frere.”

Now, this is the sort of statement which goes forth in columns widely circulated for the instruction of the public. If hon. Members will consider it for a moment, they will see that, even assuming the correctness of the charges brought against us here, these charges thus made in the Press are totally unfounded. The charge made in the Question put by the hon. Member for Swansea some weeks ago, upon which this Motion was raised, did not relate to any telegraphic despatch sent by Her Majesty to Lord Lytton, but related to a telegraphic communication said to have been despatched from Lord Lytton to Her Majesty. That is a very different case, because it is quite possible and highly probable that there may have been communications as to matters of fact made by the Viceroy to the Queen; while, on the other hand, telegrams from the Queen to Lord Lytton might bear a different construction. But this is a matter upon which I shall trouble the House for a few moments, because it is the only serious one brought forward in this discussion. We have heard a good deal about the telegrams to Lord Chelmsford and to Lady Frere, and this is a matter as to which I think the answer commends itself to the common sense of the House. At a moment of great anxiety; at a moment when Her Majesty's troops had met with an un-

fortunate reverse; when there had been great loss of life, and great concern was naturally felt on the part of Her Majesty; at a time, too, when the Government were so far from expressing their censure or their want of confidence in their Agents or Ministers in South Africa, that they felt it to be their duty to defend them, and retain them in the responsible positions which they filled; Her Majesty, always ready with a kind word, sent a message in the most general terms of sympathy, and at the same time conveyed an expression of confidence that her troops would redeem themselves from the difficulties in which they were placed, and that her Administrator and Governor would be able to bring them out of the difficulties of their situation. There is really nothing in that which can in any way whatever be found fault with, nor do I believe that anybody has made it the subject of a serious charge. But with regard to the case of the Indian telegram, I am bound to say that it is a matter which requires a moment's consideration. This charge originates in a very remarkable article contributed to one of the numerous periodicals of the day by a gentleman whose name is very well known to us all as a special correspondent of one of the newspapers, and an admirable writer, whose descriptions we all read with interest and pleasure—Mr. Archibald Forbes. Whether he is an equally great Constitutional authority is, of course, another question. He is a gentleman with whose name we all are familiar, but of whom I have no personal knowledge. The article is entitled “Some Plain Words about the Afghanistan Question,” and gives an account of what he has gathered to be the history and origin of that war. He says that Lord Lytton was desirous of bringing about a quarrel with the Ameer Shere Ali, and, of course, of pressing his view upon the Home Government, who, according to Mr. Archibald Forbes, were unable to see the necessity for hostilities with Afghanistan. Mr. Forbes proceeds to say—

“While working in this fashion on his own account, Lord Lytton was pleading with Lord Cranbrook for his sanction to an immediate Declaration of War.”

And after a few more sentences he adds—

The Chancellor of the Exchequer

"Nor did he confine his communications to the Constitutional channel. It is not generally known, but it is nevertheless true, that the Viceroy of India has maintained direct communication in the Anglo-Afghan affair with Her Majesty the Queen. How copious this must have been may be judged from the fact that the telegram sent upon this great and difficult case was so long that the cost was 11,000 rupees."

These words are in italics, and a great writer does not usually make use of italics unless he wishes to direct particular attention to that about which he is writing. It is obvious that the meaning of the paragraph is this—that Lord Lytton, desiring to bring about the acceptance of a certain policy with Her Majesty's Ministers at home, and finding himself unable to persuade them by his arguments, addressed himself directly to the Queen, that he might obtain Her Majesty's support in order to carry his object. Now, that, if true, is a serious charge, and one which undoubtedly trenches upon the Privileges of Parliament and the Constitution of the country. But, Sir, there is no foundation whatever for such a statement. It is perfectly true that a long telegram was sent by Lord Lytton to Her Majesty; but what was the date of that message, and to what circumstances did it refer? I have been favoured by Her Majesty with a sight of that telegram, and am perfectly acquainted with it, and it is at this moment in my possession. I will describe its nature and purport. In the first place, its date is the 26th of November; the advance of the Forces had begun five days previously—that is, on the 21st of November—and the telegram which Lord Lytton addressed to Her Majesty described in tolerably succinct phrases the advance of the various columns of Her Majesty's Forces. He begins by saying that they advanced on the morning of the 21st of November, under Generals Biddulph and Roberts, and the nature of their instructions is mentioned for the information of Her Majesty. There is not one word upon the causes of the war; there is not one word with regard to political matters; it is only a telegram sent by the Viceroy at the moment when the movement took place, in order that Her Majesty might receive early and authentic intelligence of that which had taken place. That is the whole explanation of this mysterious telegram, in reply to which Her Majesty simply expressed

her gratification at hearing of the success which had attended her troops. The telegram was not sent by Her Majesty without being first submitted to, and approved by her Minister. I ask what does the House consider to be the position—what does it consider to be the rights and duties of the Sovereign? Is the House of opinion that it is improper that Her Majesty should be in any way in the receipt of intelligence as to important and interesting events which are going on? Is the House of opinion that Her Majesty should not write a private letter, or express any opinion of her own upon any matter which seems to call for the expression of sympathy with those who are in trouble? Is it possible to suppose that one who has held, and continues to hold, so important a position as the Queen of England; one who has had her experience; one who is called upon from time to time to admonish and to advise; whose right it is, as the hon. Member for Liskeard (Mr. Courtney) has said, "to be consulted, to encourage, and to warn," are we to be told that she is to be deprived of all information as to the real state of affairs, or as to the real state of feeling in this country or anywhere else? Sir, I maintain this position to be utterly untenable. We have, in some of the language used to-night, heard to what absurd and ridiculous lengths this case has been carried. It would appear that Her Majesty ought not to be informed as to the details of what passes in this House, or what passes in the Cabinet; and other like doctrines have been advanced in a way which makes us really wonder at the views which hon. Members opposite entertain. But I think we may say, in answer to all these charges, that the character and the history of the present Reign and of the present Sovereign are in themselves a sufficient refutation. We need not appeal to any evidence but that which we ourselves possess; but if it were necessary to do so, I would say—Go to what country you please, to France, Italy, America, or where you may, and listen to the language in which the Sovereign of Great Britain is spoken of. Everywhere you will hear the same uniform eulogium upon the private virtues and conduct of the Queen and upon her high Constitutional character. I venture to say there has never been in the annals

of this country a Sovereign who has more loyally justified the position which Her Majesty occupies as a Constitutional Sovereign. The hon. Member for Swansea, in his original Motion, told us that certain action was not in accordance with Constitutional usage "as now understood and settled." But how, and by whom, has the Constitutional usage of this country come to be so understood and settled? It has been so, at least as much by the perfect influence of our gracious Sovereign, as by the wisdom and firmness of Parliament, and by the expression of public opinion throughout the country. In all these matters the Queen has not only borne her part, but she has taken the lead in confirming and observing the Constitutional rules by which she should be guided; and it is owing to this that we are blessed with a Constitution in which the Sovereign is neither a mere dummy, nor, on the other hand, overshadows or takes an undue part in governing the affairs of the country. I do not know whether it may be the wish or the idea of some persons in this House, or out of it, that the Constitution of this country should be changed. It may be that in some places there are ideas abroad that a Constitutional Monarchy is not the best form of government, and that some form of Republic, or some powers given to a Parliamentary body or a Senate analogous to those in other countries, would be preferable. If such opinions are entertained, let them be discussed, and let us see what is the real feeling of the country. But, Sir, I act upon the assumption that we adhere to the Monarchical form of Government; and I maintain, with the utmost confidence, and with no qualification whatever, that Her Majesty fulfils in every particular the duties of a Constitutional Sovereign, such as we understand by that term. We have, as I have already pointed out, a safeguard in the character of the Sovereign; we have another safeguard, and it is one which ought not to be underrated—in the determination which, I am sure, will always animate the Parliaments of this country to maintain their just rights and Privileges. But it is not because we respect the Prerogatives and Privileges of the Queen, that we are, therefore, willing to tamper with the rights and Privileges of Parliament. It is not the way to show ourselves strong in defending our own

Privileges to be ready to catch at every word of gossip and at every insinuation of malice, from wheresoever it may come, and to put constructions of the worst character upon acts which in themselves are both innocent and Constitutional. I do not think that is the way in which the liberties of the country and the Privileges of Parliament are to be defended. I say we are to defend these Privileges by making ourselves respected in the country, by making ourselves strong, and the guardians of that Constitution of which we are no unimportant part. We were told just now that "there are no guardians of the public liberties; that the Cabinet is no guardian; that the Ministry is no guardian; that the House itself, overpowered as it is by a majority, is no guardian of them." I do not understand language of that sort. I do not understand why the minority of the House should be allowed to come forward to say that the majority cannot be regarded as the guardians of the public liberties, merely because they differ from the minority on particular questions. But I say that it is the duty of the minority, whenever they believe that the Prerogatives of the Crown are being unduly strained, or that the Privileges of Parliament are being encroached upon, it is their duty to come forward to state their views, and to press them publicly against the largest numerical majority, and trust to the progress of public opinion to enforce those views which they believe to be sound. That is what has been done, and what will continue to be done by the minority, if, upon any future occasion, they have specific grounds of complaint to go upon. But, Sir, I say that the sort of Motion which we have had submitted to-night—vague and uncertain—such a Motion as we are unable to grapple with—a very Proteus, changing its form as often as we come to close quarters with it—is neither likely to increase the respect in which this House is held by the country, nor to be of advantage to the Constitution under which we have the happiness to live.

THE MARQUESS OF HARTINGTON: Sir, I must confess that I have never been more perplexed since I have been in this House than by the proceedings in this House which have preceded and accompanied the moving of this Resolu-

tion. When I first read the Resolution of the hon. Member for Swansea, it did not appear to me to be particularly well framed, or particularly clear in the proposition which it was designed to enunciate. But having, as I thought, mastered the meaning of that Resolution, I was yesterday certainly astonished when my hon. Friend declared that it had taken him entirely by surprise to find that the Resolution of which he had given Notice was in any way supposed to be a Vote of Censure upon Her Majesty. It is extremely possible, and it has been contended by the hon. Member for Liskeard (Mr. Courtney), that technically the Motion was not a Vote of Censure upon Her Majesty, because Her Majesty cannot be held responsible for any action whatever; and that, if it was a Vote of Censure at all, it would have been a censure upon the Advisers of the Crown. But certainly the impression conveyed by the terms of the Resolution imported censure upon certain proceedings of Her Majesty in her personal capacity, which, by some evil advice, she had been induced to take; and, therefore, I cannot understand how it can have so much astonished my hon. Friend to learn that it was regarded as a direct Vote of Censure upon the Queen. My perplexity was still further increased when I heard him say that he was prepared to accept the Amendment of the hon. Member for Dundee (Mr. E. Jenkins), and when I found the effect of that Amendment to be not a very considerable alteration from the terms of the original Resolution. Sir, that Resolution has now become a sort of vague Vote of Censure upon the Government in respect of several matters which have already been under the consideration of the House; and that which yesterday was the principal allegation of the Resolution—namely, that there had been personal interference on the part of the Sovereign—has now been remitted to a secondary and comparatively insignificant position. I cannot think that these proceedings are at all convenient to the House, because I think that when matters of this importance are dealt with by the House, they ought to be dealt with after due consideration, and after the bearings of the Resolution affecting them have been fully considered, and that time should be given to the House for fully considering the bearings

of the Resolution, as well as for making Amendments. No one can doubt for a moment the importance of the issue raised by the Motion of the hon. Member; but I am still in some perplexity as to what that issue is. But while there is no doubt as to the importance of the subject, there will be much difference of opinion as to the expediency of its being made at all, either in the form proposed yesterday or in that which it has assumed to-day. Our Constitution contains a great variety of forces, not necessarily opposing forces, but which may occasionally find themselves in opposition to each other, and which are kept in balance by a variety of checks, not the result of any preconceived theories, but of the practice and experience of generations, a great many of which are the outcome of prolonged, severe, and hazardous struggles. The relations of the two Houses of Parliament to each other, the relations of Parliament and the Executive Government to the Crown, all these points have been settled in a manner which it would be very easy to show is not theoretically perfect, but yet, after various adjustments, have been found in practice to work sufficiently well. In my opinion, it is not expedient, without adequate cause, that Parliament should be excited to examine the mechanism of the Constitution, and to raise, by calling attention to them, difficulties in the friction which would not otherwise be found out. Reference has been made by my hon. Friend the Member for Liskeard, in his speech to-night, to that prolonged contest which took place between George III. and the political Parties in Parliament—a contest which was waged in support, on the one hand, of the claim of personal government, and, on the other, in support of the Privileges of Parliament. That was one of the most prolonged and one of the most severe struggles through which our Constitution has passed. It would be, perhaps, rash to say that no similar struggle can ever, under any circumstances, be waged again between the different powers of the Constitution; but I think it is safe to say that that contest can never be waged again under the same or under similar circumstances. That was at the time of nomination boroughs and of other constituencies which were extremely small, when the Crown was in possession of almost

unlimited patronage. It was possible for the Sovereign, as George III. did, to dictate his own policy to his Ministers, to dismiss his Ministry when he objected to their policy, and sometimes to defeat his own Ministers in Parliament by means of his own personal influence. But the circumstances under which that action of the Sovereign was exercised are entirely gone, the position is entirely changed; and no conflict between the Crown and Parliament can ever be waged at the present time in circumstances even remotely similar to those to which my hon. Friend referred. But even at the time when the conflicts between the Crown and the political Parties were constant, I think it will be found, upon examination, that no Parliamentary action was ever taken, except on grounds most distinctly stated, or except on grounds the existence of which was perfectly notorious. Now, Sir, have any such grounds for Parliamentary action been alleged in the present case, or is there any such notorious interposition of the Sovereign in matters of policy as would warrant the absence of specific statements in the Motion which has been made? In my opinion, my hon. Friends who moved and seconded this Resolution have confused two issues which are altogether and totally distinct. They have confused the charges which have been brought from this side of the House from time to time against Her Majesty's Government of an abuse of the powers of the Crown with charges of a different, of an altogether different description. We, on this side of the House, have thought it necessary, and I have myself been a party to it on every occasion, to challenge the exercise of the Prerogative of the Crown by Her Majesty's present Advisers in the case of the removal of the Indian troops; again, in the case of Anglo-Turkish Convention; and, again, in the proceedings, without the knowledge of Parliament, which led to the Afghan War. We have contended that in every one of these cases the Prerogative and the powers of the Crown have been abused by Her Majesty's Government. I think that we took a right course in raising every one of those issues in detail and separately. I think we should have failed in our duty to the House and the country if we had acted otherwise. But, as has been pointed out by my right hon. Friend the Member for Greenwich

(Mr. Gladstone), these issues have been decided in every instance against us by this House. Although we are not content to consider that decision as a final one, there is but one tribunal to which it is possible for us to make an appeal. It is competent for us, and we shall, I hope, appeal from the judgment of the House to the judgment of the constituencies whenever we have the opportunity. But, on the other hand, I must agree with my right hon. Friend that there is no practical object to be attained in raising again collectively in this House charges which have been heard in detail, and which, so far as this House was competent to decide them, have been decided against us. But with these issues which we have raised, and which my hon. Friend (Mr. Dillwyn) and I have together been parties to raising, my hon. Friend has mixed up the question which has excited—I do not say unnecessarily excited—considerable attention in the mind of the country generally, the question which goes, for want of a better name, by the name of the revival of personal government. What instances have been brought forward by my hon. Friend in support of the allegation which was conveyed in the Resolution, as it stood on the Paper yesterday, that there has been a direct interposition on the part of the Crown in matters of Indian and foreign policy, or in support of the insinuation contained in the Resolution moved to-day, that there has been a supposed personal interposition of the Sovereign? I listened carefully to the speeches; but I must say that in the historical narrative of recent events which was given by my hon. Friend the Member for Swansea (Mr. Dillwyn), and in the historical disquisition of my hon. Friend the Member for Liskeard (Mr. Courtney), I was only able to detect two allegations brought forward in support of this supposed personal interposition. One of them has been very fully dealt with, and I think, on the whole, very satisfactorily dealt with, by the right hon. Gentleman opposite, in the speech which he has just made. I am not here to defend the answer given in the first instance when the question was first put. I think, on further consideration, it should have occurred to the Government that it was not altogether right that they should say that they had no knowledge of correspondence

between the Sovereign and the Viceroy, and should appear to treat the question as a matter which could have no concern either for them or for Parliament. I think, if the full explanation given to-night had been given at the time, we might probably have avoided a great deal of misapprehension. I wish the right hon. Gentleman had entered as fully into an explanation of what has taken place in the matter of the alleged correspondence with Sir Bartle Frere and with Lady Frere. I cannot say, with the facts before us, that I see anything which need necessarily excite Constitutional jealousy in that correspondence. We have not seen the letter which, it is said, has been written to Lady Frere. If a letter has been written, I think it is extremely probable that it is due to those causes which have been referred to by the right hon. Gentleman, and that it is a letter of sympathy, not at all expressing an opinion of Her Majesty, or of Her Majesty's Government, upon any of the difficult questions to be settled in the Colony. I must say I think if such a letter has been written that great blame is due, not to Her Majesty for having written it—for I have no doubt, if we knew its contents, that it would do her nothing but honour—but great blame is due to someone in Africa for the use to which that letter has been put; and that that letter, whatever its contents, should be allowed to be spoken of by the Colonial Press as a letter which had stimulated the opinions of political combatants in the Colony is, I think, a use of that letter extremely to be deprecated, and extremely wrong to have allowed. But, Sir, I cannot say, in either of these cases to which reference has been made, do I see the slightest ground for affirming that Her Majesty has departed from the Constitutional practice which she has almost throughout the whole of her Reign observed. While I entirely agree that no sufficient proof has been brought forward of the alleged personal exercise of Prerogative by Her Majesty, I cannot sit down without stating my conviction that if stronger proof had been forthcoming, and any exercise of Prerogative had been proved, it would have been matter calling for very grave and very serious notice. I do not think that

we can, either in the interests of our own Privileges or in the interests of the Crown itself, afford to abate one jot of our Constitutional jealousy, or one jot of the doctrine that for every act of the Sovereign some Adviser of the Crown must be held responsible. It is useless to deny that there does exist in the country some vague uneasiness as to impending changes in our Constitutional relations. The right hon. Gentleman asked us just now whether anybody desired that the Constitution should be changed, and I thought that he spoke with almost too great an alacrity of his willingness to enter into discussion of any propositions which might be brought forward. But, Sir, there is no doubt that there is some, though, I grant, a vague uneasiness as to the possibility of impending changes. I will not, at this hour, go into what I believe to be the causes of that uneasiness—the subject, if discussed here, should be fully discussed, and it is useless to go into it at this hour. But, Sir, there is no doubt that men of great ability, in periodicals of much political influence, have put forward doctrines respecting the relations of the Executive to Parliament and the Crown which are altogether contrary to the doctrines which have been generally held on both sides of this House. Those doctrines, so put forward, have been met as I think they ought to have been met. They have been very fully discussed in the Press and out-of-doors. I do not think it is incumbent upon this House to discuss abstract theories about our Constitution, or about changes in our Constitution, however influential may be the exponents of such theories, or however much ability may be shown in supporting them. This House is only called upon, in my opinion, to act, and can only act with effect, to put such theories into action. Some attempt has been made to-night to show that a commencement has already been made in the policy which I have indicated. In my opinion, my hon. Friend has been led away by false and unnecessary alarm. I think the House, by agreeing to the Resolution which he has moved, and by showing unnecessary anxiety and want of confidence in its own position and in its own powers, would rather impair than strengthen the Privileges which it is the duty of this House to guard, and would, at the

same time, imperil those relations with the Crown which, next to its own Privileges, it is its duty and its main object to maintain. As to the vote that I intend to give, I am sorry that, on account of the unexpected change in the Resolution, it is impossible for my hon. Friend the Member for Hackney (Mr. Fawcett) to move his Amendment. That Amendment, in my opinion, very distinctly and very sufficiently met the allegations which were contained in the original Resolution. It is, I think, to be regretted, when a Constitutional question of this kind has been raised, that it should be met by a direct negative, and that nothing should be left upon the Records of the House to show the view the House takes upon the subject. I regret, for the same reason, that the Government have not thought it possible for them to meet it with a Resolution which would have expressed the opinion of the House on the point raised. I think, when a Constitutional question of this sort is raised, it is right to have some expression of the opinion of this House. But I entirely agree with all that was said by my right hon. Friend the Member for Greenwich (Mr. Gladstone) as to why it was impossible for him to support the Resolution of my hon. Friend the Member for Swansea. I will not repeat his arguments; but I must say that, although on the grounds of the inexpediency of the Motion, and of its being ill-timed, I might, under ordinary circumstances, have been disposed to take no part in the issue so raised, yet that there are still in this Resolution words which make it impossible for me to refrain from expressing by my vote the opinion I hold on the question at issue. The Resolution still contains, although in a secondary position, the words "the supposed personal interposition of the Sovereign." Now, as the Resolution cannot be amended, I cannot refrain from expressing by my vote the opinion which I hold, that no proof has been forthcoming to-night to justify the assent of this House, either directly or indirectly, to the assertion that there has been any such personal interposition on the part of the Sovereign; and as there is no Amendment which more clearly expresses the opinion I hold on the question raised by my hon. Friend the Member for Swansea (Mr. Dillwyn), I have no alternative but to

vote with Her Majesty's Government against the Motion.

MR. ASSHETON CROSS: Sir, I shall not intervene for more than two minutes between the right hon. Baronet the Member for Tamworth (Sir Robert Peel) and this House; but one remark fell from the noble Lord which, I think, I am bound to answer. The noble Lord has observed that my right hon. Friend the Chancellor of the Exchequer has made no allusion to the letter which is supposed to have been written by Her Majesty to Lady Frere, nor to the message sent to Lady Frere. I have to say, on behalf of my right hon. Friend, that the only reason why he did not allude to it was because he thought, after what had taken place, that there really was no serious suggestion made with regard to what was said in the message which went from the Crown to Lady Frere. Therefore, he did not allude to it, or make the statement which he had received authority to make. But as the noble Lord has pointed out that no allusion has been made to it, I think it only right that I should state at once to the House the information which I have received the authority of Her Majesty to-day to state. In that communication to Lady Frere—although, as I think Her Majesty was bound to do, she did express the deepest sympathy for Sir Bartle Frere in all the difficulties and dangers and troubles with which he had to contend, her letter of sympathy was couched in the most general terms; and there was nothing in it, either one way or the other, which should lead him to believe that Her Majesty wished to recommend any line of policy. I think it is only right to say that, and I think my noble Friend will agree with me that it is due alike to Her Majesty, and the House and the country, that that should be openly stated.

SIR ROBERT PEEL: Sir, at this late hour, after the apologies of the Home Secretary, and the perplexities of the noble Lord, and the statement from the Chancellor of the Exchequer that he is ready to consider any proposal for the amendment of the Constitution, it is impossible that this question should be properly discussed, and, therefore, I move the adjournment of the debate.

MR. O'CONNOR POWER seconded the Motion.

The Marquess of Hartington

Motion made, and Question put, "That the Debate be now adjourned."—*(Sir Robert Peel.)*

The House divided:—Ayes 46; Noes 347: Majority 301.—(Div. List, No. 91.)

Question again proposed, "That the words proposed to be left out stand part of the Question."

MAJOR NOLAN said, that his hon. Friend the Member for County Mayo (Mr. O'Connor Power), who had seconded the Motion for the adjournment of the debate, represented a county which contained a very large number of inhabitants. As he (Major Nolan) represented a neighbouring county with a similar population, he ventured again to urge the necessity for adjourning the debate. In the first place, this was a most important question; and, secondly, the right hon. Baronet the Member for Tamworth (Sir Robert Peel) wished to address the House upon it. The right hon. Baronet had only given way to the Chancellor of the Exchequer, who had insisted upon speaking when he rose. For these reasons, and as the right hon. Baronet had been precluded up to that time from taking any part in the debate, he thought it should be adjourned. The right hon. Baronet was one of those Members who were listened to by the House with the greatest attention, and the fact of his being precluded from speaking constituted a reasonable cause for the adjournment of the debate. He therefore begged to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Major Nolan.)*

SIR ROBERT PEEL said, that the hon. and gallant Member for Galway (Major Nolan) having referred to him, he felt bound to offer some observations upon this subject, which he considered to be one of absolute importance to the country. The House had heard apologies from the Secretary of State, and expressions of bewilderment from the noble Lord who led a section of the Liberal Party in that House, with regard to the Motion of the hon. Member for Swansea (Mr. Dillwyn). Nothing definite had, however, been arrived at, although the Chancellor of the Exchequer had said that Her Majesty's Govern-

ment were quite prepared to entertain any proposition which might be started concerning it. This being the case, he thought that it would become a very serious question if this matter of the Prerogative of the Crown were raised out-of-doors, for a feeling was growing up that something was going on which the people did not understand. It was all very well to lay stress upon what were called letters of condolence from Her Majesty to Lady Frere. No one in that House questioned the character or the qualities of the Sovereign, or her right to express her feelings of condolence to Lady Frere in the position in which she had been placed. But there was something behind—and it was a question of confidence in the policy which this country pursued. He had no hesitation in saying that the policy followed in South Africa at this moment was one which would meet with the reprobation of the country. The Government had admitted that the war was both unjust and unnecessary. The question which had been raised by the hon. Member for Swansea was one which had been more than once previously raised in this country, and had met its reprobation. It was not met with sneers when Mr. Dunning raised it in 1780, but it was carried by a majority; and, again, in 1820, when Mr. Brougham raised the question, it was not met in the way which it had now been. Mr. Fox, speaking early in the century of the Prerogatives of the Crown, said—

"You talk about bringing proof of that which is an intangible thing; but, nevertheless, is a thing which may work invisible, but incalculable, mischief to this country."

That was precisely what many people in the country and in that House felt at the present moment. There was, undoubtedly, an uneasy feeling abroad—it was impossible to deny it—and he considered that, for the purpose of freely and fully discussing the matter, they ought more fully to debate the question raised by the hon. Member for Swansea. The speech that he had heard that night from the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had fairly astonished him. He would have given anything to have risen after that right hon. Gentleman. When he recalled to his recollection what the right hon. Gentleman said in the coun-

try last autumn—how, over and over again, he reiterated that the Government had put the Sovereign above and beyond the Constitution—and then, when he saw the right hon. Gentleman the Member for Greenwich get up and make that shabby, flabby speech to-night, pretending that he had not had time to consider the Motion, he was astonished. Time to consider the Motion by the right hon. Gentleman, who could speak by the yard, without notice or hesitation! It was idle to bring forward such a pretence as that. Then, as to the noble Lord, he might tell him that there was no chance of “squelching” that debate, for the subject only excited too much feeling in the country. If a meeting were got up in London, as it might be, in Exeter Hall, or in any of those places, and a half-dozen Members of Parliament were present, they could readily raise a feeling which would show that this debate was not to be squelched. He approved of the Motion of his hon. and gallant Friend the Member for Galway, and agreed with the necessity of postponing the discussion of a question which was regarded of the utmost importance out-of-doors.

MR. O’CONNOR POWER supported the Motion for adjournment. With regard to the explanation of the right hon. Baronet the Secretary of State for the Colonies with reference to the letter to Lady Frere, he would point out that when the Question was originally asked about that letter it was scarcely noticed by the right hon. Baronet. If the Government had stated at an early day that this letter was not intended to endorse any line of policy, he ventured to say that the public feeling would not have been excited on the matter. In his answer to that Question, the right hon. Baronet only stated that the Government had no knowledge of the existence of such a letter. But he must remind him that it was his business, as a Member of the Cabinet, to have such knowledge. It was his business, when a Question was put upon the Paper of that House, to ascertain all the circumstances of the matter. From the Question being put down upon the Paper, the Government would know that they were likely to be challenged upon the subject, and it was the duty of the Secretary of State for the Colonies to have knowledge of the existence of the document,

Sir Robert Peel

Instead of that, the right hon. Gentleman had disposed of the matter in a very summary manner; but when the subject came to be debated in the House, the Home Secretary got up and made an apology, which he would venture to say would sway the votes of 40 or 50 hon. Members. He did not think that that was a business-like way of dealing with the question, nor that the public, who took a great interest in this subject, would consider it a right course. Under these circumstances, he trusted that the House would say that the Motion for the adjournment was one which only showed a proper desire for the discussion of this question, and that it was one that ought to be acceded to.

SIR HENRY HAVELOCK observed, that at the time right hon. Baronet the Member for Tamworth rose to move the adjournment of the House the clock stood at 5 minutes past 1, and there was ample time for him to express his views. The right hon. Baronet had used terms with reference to the speech of the right hon. Gentleman the Member for Greenwich which he thought everyone must consider would be more properly applied to the speech of the right hon. Baronet himself. On this occasion, he had taken the opportunity of escaping from the embarrassment in which he found himself by moving the adjournment of the House. But the House was perfectly willing to hear the right hon. Baronet, if he had thought to address it, after the right hon. Member for Greenwich. He thought that the patience and consideration with which the speech of the right hon. Baronet had just been listened to showed that the House would have been willing to have heard him at any hour. It seemed to him that both the hon. and gallant Member for Galway (Major Nolan), and the right hon. Baronet the Member for Tamworth, had discharged themselves of the utterances with which they were charged, and that, therefore, there was no occasion whatever for the adjournment of the debate. He trusted that the House would not accede to the Motion.

Question put.

The House *divided*.—Ayes 43; Noes 307: Majority 264.—(Div. List, No. 92.)

Question again proposed, “That the words proposed to be left out stand part of the Question.”

Mr. O'SULLIVAN begged to move the adjournment of the debate. He said, that however willing the House was to listen to the right hon. Baronet the Member for Tamworth, the country was also anxious to know what he said, and at that hour it would be impossible for anything that he uttered to go beyond the walls of that House. He hoped the House would see the futility of protracting this matter, because at 7 o'clock in the morning hon. Members would be found as fresh to move the adjournment of this debate as they were at the present time, and the matter would only result in the same way as the debate on the Sunday Closing Bill.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Mr. O'Sullivan.)*

THE CHANCELLOR OF THE EXCHEQUER: The House has now, by two Divisions, expressed its opinion that it is desirable to continue this debate. When the House, by such majorities, affirms its desire, it is to be taken for granted that the House will be patient enough to listen to any hon. Gentleman who wishes to address it on this Motion. But, seeing that the promoters of the Motion are most anxious for the adjournment of the debate, I do not know why we should not be justified in putting this construction upon their conduct—that they shrink from challenging the opinion of the House upon the question that they have submitted to it. Whether that be so or not, it is quite clear that it would be only a waste of time to divide the House upon repeated Motions for adjournment; and, therefore, I shall offer no opposition to the Motion for the adjournment of the debate.

Motion agreed to.

Debate adjourned till Tuesday next.

UNIVERSITY EDUCATION (IRELAND) BILL.

THE O'CONOR DON said, that he had a Motion on the Paper with reference to this subject, and as it was impossible now to bring it on, he had to ask the Chancellor of the Exchequer that it might be again postponed. He now found himself in a worse position than he was last week when the matter came on; and he, therefore, ventured to repeat his appeal to the Chancellor of

the Exchequer to give him another opportunity for bringing on the Motion. If the right hon. Gentleman would permit him to offer a suggestion, he would ask whether it would be possible for him to bring forward this Bill upon Thursday next? If the right hon. Gentleman could allow him to bring forward the Motion about 11, or half-past, it would be a great convenience, as the Motion was not one which it was desirable to have hanging over, inasmuch as there was a great amount of misrepresentation with regard to the Bill being circulated about the country. It was, therefore, desirable that it should be taken on as early a day as possible.

THE CHANCELLOR OF THE EXCHEQUER said, that he should be happy to give the hon. Member another opportunity of bringing forward his Bill, and that he thought he could promise him either Thursday or Monday next. He gathered from his observations that Thursday would suit him, and, if possible, he should have that day, and if not, Monday.

THE O'CONOR DON moved that his Motion be postponed till Thursday.

Motion agreed to.

WORMWOOD SCRUBS REGULATION

BILL.—[BILL 96.]

(Colonel Lindsay, Mr. Secretary Stanley, Lord Eustace Cecil.)

NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That Mr. Shaw Lefevre be a Member of the Select Committee on the Bill."

SIR CHARLES W. DILKE said, that he was surprised that the Motion should be brought on. No one had been consulted with regard to this matter; and it was without parallel, in so far as he knew, for a Committee to be nominated consisting of three Members from one side and only one from the other. Under these circumstances, he moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Sir Charles W. Dilke.)*

COLONEL LOYD LINDSAY did not know that there was any opposition to the Motion, but it was understood that everyone was agreed.

Motion agreed to.

Debate adjourned till Thursday.

country an impression that encroachments were being made by Monarchical or Ministerial authority, or both; and the hon. Member for Dundee (Mr. E. Jenkins) echoed very much the same sentiments. He said there was a feeling of jealousy with regard to the influence of the Crown, and that if we read the newspapers, we should see that such impression was abroad. I am upon this point happy to be able to confirm the opinion which he has expressed; for it has happened that, in reading a newspaper this evening, I found the following words—I am quoting from *The Echo*:—

“But occasionally we have significant indications that the Crown is acting as permanent head of the Cabinet, or rather of the small Cabinet inside the larger one. Her Majesty sent a despatch to Lord Lytton, so lengthy that the cost of telegraphing it was 1,400 rupees. Then we have the elaborate message to Lord Chelmsford, and the still more recent one to Lady Frere.”

Now, this is the sort of statement which goes forth in columns widely circulated for the instruction of the public. If hon. Members will consider it for a moment, they will see that, even assuming the correctness of the charges brought against us here, these charges thus made in the Press are totally unfounded. The charge made in the Question put by the hon. Member for Swansea some weeks ago, upon which this Motion was raised, did not relate to any telegraphic despatch sent by Her Majesty to Lord Lytton, but related to a telegraphic communication said to have been despatched from Lord Lytton to Her Majesty. That is a very different case, because it is quite possible and highly probable that there may have been communications as to matters of fact made by the Viceroy to the Queen; while, on the other hand, telegrams from the Queen to Lord Lytton might bear a different construction. But this is a matter upon which I shall trouble the House for a few moments, because it is the only serious one brought forward in this discussion. We have heard a good deal about the telegrams to Lord Chelmsford and to Lady Frere, and this is a matter as to which I think the answer commends itself to the common sense of the House. At a moment of great anxiety; at a moment when Her Majesty's troops had met with an un-

fortunate reverse; when there had been great loss of life, and great concern was naturally felt on the part of Her Majesty; at a time, too, when the Government were so far from expressing their censure or their want of confidence in their Agents or Ministers in South Africa, that they felt it to be their duty to defend them, and retain them in the responsible positions which they filled; Her Majesty, always ready with a kind word, sent a message in the most general terms of sympathy, and at the same time conveyed an expression of confidence that her troops would redeem themselves from the difficulties in which they were placed, and that her Administrator and Governor would be able to bring them out of the difficulties of their situation. There is really nothing in that which can in any way whatever be found fault with, nor do I believe that anybody has made it the subject of a serious charge. But with regard to the case of the Indian telegram, I am bound to say that it is a matter which requires a moment's consideration. This charge originates in a very remarkable article contributed to one of the numerous periodicals of the day by a gentleman whose name is very well known to us all as a special correspondent of one of the newspapers, and an admirable writer, whose descriptions we all read with interest and pleasure—Mr. Archibald Forbes. Whether he is an equally great Constitutional authority is, of course, another question. He is a gentleman with whose name we all are familiar, but of whom I have no personal knowledge. The article is entitled “Some Plain Words about the Afghanistan Question,” and gives an account of what he has gathered to be the history and origin of that war. He says that Lord Lytton was desirous of bringing about a quarrel with the Ameer Shere Ali, and, of course, of pressing his view upon the Home Government, who, according to Mr. Archibald Forbes, were unable to see the necessity for hostilities with Afghanistan. Mr. Forbes proceeds to say—

“While working in this fashion on his own account, Lord Lytton was pleading with Lord Cranbrook for his sanction to an immediate Declaration of War.”

And after a few more sentences he adds—

The Chancellor of the Exchequer

(May 13, 1879)

"Nor did he confine his communications to the Constitutional channel. It is not generally known, but it is nevertheless true, that the Viceroy of India has maintained direct communication in the Anglo-Afghan affair with Her Majesty the Queen. How copious this must have been may be judged from the fact that the telegram sent upon this great and difficult case was so long that the cost was 11,000 rupees."

These words are in italics, and a great writer does not usually make use of italics unless he wishes to direct particular attention to that about which he is writing. It is obvious that the meaning of the paragraph is this—that Lord Lytton, desiring to bring about the acceptance of a certain policy with Her Majesty's Ministers at home, and finding himself unable to persuade them by his arguments, addressed himself directly to the Queen, that he might obtain Her Majesty's support in order to carry his object. Now, that, if true, is a serious charge, and one which undoubtedly trenches upon the Privileges of Parliament and the Constitution of the country. But, Sir, there is no foundation whatever for such a statement. It is perfectly true that a long telegram was sent by Lord Lytton to Her Majesty; but what was the date of that message, and to what circumstances did it refer? I have been favoured by Her Majesty with a sight of that telegram, and am perfectly acquainted with it, and it is at this moment in my possession. I will describe its nature and purport. In the first place, its date is the 26th of November; the advance of the Forces had begun five days previously—that is, on the 21st of November—and the telegram which Lord Lytton addressed to Her Majesty described in tolerably succinct phrases the advance of the various columns of Her Majesty's Forces. He begins by saying that they advanced on the morning of the 21st of November, under Generals Biddulph and Roberts, and the nature of their instructions is mentioned for the information of Her Majesty. There is not one word upon the causes of the war; there is not one word with regard to political matters; it is only a telegram sent by the Viceroy at the moment when the movement took place, in order that Her Majesty might receive early and authentic intelligence of that which had taken place. That is the whole explanation of this mysterious telegram, in reply to which Her Majesty simply expressed

Crown.—Resolution.

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her gratification at hearing of the success which had attended her troops. The telegram was not sent by Her Majesty without being first submitted to, and approved by her Minister. I ask what does the House consider to be the position—what does it consider to be the rights and duties of the Sovereign? Is the House of opinion that it is improper that Her Majesty should be in any way in the receipt of intelligence as to important and interesting events which are going on? Is the House of opinion that Her Majesty should not write a private letter, or express any opinion of her own upon any matter which seems to call for the expression of sympathy with those who are in trouble? Is it possible to suppose that one who has held, and continues to hold, so important a position as the Queen of England; one who has had her experience; one who is called upon from time to time to admonish and to advise; whose right it is, as the hon. Member for Liskeard (Mr. Courtney) has said, "to be consulted, to encourage, and to warn," are we to be told that she is to be deprived of all information as to the real state of affairs, or as to the real state of feeling in this country or anywhere else? Sir, I maintain this position to be utterly untenable. We have, in some of the language used to-night, heard to what absurd and ridiculous lengths this case has been carried. It would appear that Her Majesty ought not to be informed as to the details of what passes in this House, or what passes in the Cabinet; and other like doctrines have been advanced in a way which makes us really wonder at the views which hon. Members opposite entertain. But I think we may say, in answer to all these charges, that the character and the history of the present Reign and of the present Sovereign are in themselves a sufficient refutation. We need not appeal to any evidence but that which we ourselves possess; but if it were necessary to do so, I would say—Go to what country you please, to France, Italy, America, or where you may, and listen to the language in which the Sovereign of Great Britain is spoken of. Everywhere you will hear the same uniform eulogium upon the private virtues and conduct of the Queen and upon her high Constitutional character. I venture to say there has never been in the annals

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of this country a Sovereign who has more loyally justified the position which Her Majesty occupies as a Constitutional Sovereign. The hon. Member for Swansea, in his original Motion, told us that certain action was not in accordance with Constitutional usage "as now understood and settled." But how, and by whom, has the Constitutional usage of this country come to be so understood and settled? It has been so, at least as much by the perfect influence of our gracious Sovereign, as by the wisdom and firmness of Parliament, and by the expression of public opinion throughout the country. In all these matters the Queen has not only borne her part, but she has taken the lead in confirming and observing the Constitutional rules by which she should be guided; and it is owing to this that we are blessed with a Constitution in which the Sovereign is neither a mere dummy, nor, on the other hand, overshadows or takes an undue part in governing the affairs of the country. I do not know whether it may be the wish or the idea of some persons in this House, or out of it, that the Constitution of this country should be changed. It may be that in some places there are ideas abroad that a Constitutional Monarchy is not the best form of government, and that some form of Republic, or some powers given to a Parliamentary body or a Senate analogous to those in other countries, would be preferable. If such opinions are entertained, let them be discussed, and let us see what is the real feeling of the country. But, Sir, I act upon the assumption that we adhere to the Monarchical form of Government; and I maintain, with the utmost confidence, and with no qualification whatever, that Her Majesty fulfils in every particular the duties of a Constitutional Sovereign, such as we understand by that term. We have, as I have already pointed out, a safeguard in the character of the Sovereign; we have another safeguard, and it is one which ought not to be underrated—in the determination which, I am sure, will always animate the Parliaments of this country to maintain their just rights and Privileges. But it is not because we respect the Prerogatives and Privileges of the Queen, that we are, therefore, willing to tamper with the rights and Privileges of Parliament. It is not the way to show ourselves strong in defending our own

Privileges to be ready to catch at every word of gossip and at every insinuation of malice, from wheresoever it may come, and to put constructions of the worst character upon acts which in themselves are both innocent and Constitutional. I do not think that is the way in which the liberties of the country and the Privileges of Parliament are to be defended. I say we are to defend these Privileges by making ourselves respected in the country, by making ourselves strong, and the guardians of that Constitution of which we are no unimportant part. We were told just now that "there are no guardians of the public liberties; that the Cabinet is no guardian; that the Ministry is no guardian; that the House itself, overpowered as it is by a majority, is no guardian of them." I do not understand language of that sort. I do not understand why the minority of the House should be allowed to come forward to say that the majority cannot be regarded as the guardians of the public liberties, merely because they differ from the minority on particular questions. But I say that it is the duty of the minority, whenever they believe that the Prerogatives of the Crown are being unduly strained, or that the Privileges of Parliament are being encroached upon, it is their duty to come forward to state their views, and to press them publicly against the largest numerical majority, and trust to the progress of public opinion to enforce those views which they believe to be sound. That is what has been done, and what will continue to be done by the minority, if, upon any future occasion, they have specific grounds of complaint to go upon. But, Sir, I say that the sort of Motion which we have had submitted to-night—vague and uncertain—such a Motion as we are unable to grapple with—a very Proteus, changing its form as often as we come to close quarters with it—is neither likely to increase the respect in which this House is held by the country, nor to be of advantage to the Constitution under which we have the happiness to live.

THE MARQUESS OF HARTINGTON: Sir, I must confess that I have never been more perplexed since I have been in this House than by the proceedings in this House which have preceded and accompanied the moving of this Resolu-

tion. When I first read the Resolution of the hon. Member for Swansea, it did not appear to me to be particularly well framed, or particularly clear in the proposition which it was designed to enunciate. But having, as I thought, mastered the meaning of that Resolution, I was yesterday certainly astonished when my hon. Friend declared that it had taken him entirely by surprise to find that the Resolution of which he had given Notice was in any way supposed to be a Vote of Censure upon Her Majesty. It is extremely possible, and it has been contended by the hon. Member for Liskeard (Mr. Courtney), that technically the Motion was not a Vote of Censure upon Her Majesty, because Her Majesty cannot be held responsible for any action whatever; and that, if it was a Vote of Censure at all, it would have been a censure upon the Advisers of the Crown. But certainly the impression conveyed by the terms of the Resolution imported censure upon certain proceedings of Her Majesty in her personal capacity, which, by some evil advice, she had been induced to take; and, therefore, I cannot understand how it can have so much astonished my hon. Friend to learn that it was regarded as a direct Vote of Censure upon the Queen. My perplexity was still further increased when I heard him say that he was prepared to accept the Amendment of the hon. Member for Dundee (Mr. E. Jenkins), and when I found the effect of that Amendment to be not a very considerable alteration from the terms of the original Resolution. Sir, that Resolution has now become a sort of vague Vote of Censure upon the Government in respect of several matters which have already been under the consideration of the House; and that which yesterday was the principal allegation of the Resolution—namely, that there had been personal interference on the part of the Sovereign—has now been remitted to a secondary and comparatively insignificant position. I cannot think that these proceedings are at all convenient to the House, because I think that when matters of this importance are dealt with by the House, they ought to be dealt with after due consideration, and after the bearings of the Resolution affecting them have been fully considered, and that time should be given to the House for fully considering the bearings

of the Resolution, as well as for making Amendments. No one can doubt for a moment the importance of the issue raised by the Motion of the hon. Member; but I am still in some perplexity as to what that issue is. But while there is no doubt as to the importance of the subject, there will be much difference of opinion as to the expediency of its being made at all, either in the form proposed yesterday or in that which it has assumed to-day. Our Constitution contains a great variety of forces, not necessarily opposing forces, but which may occasionally find themselves in opposition to each other, and which are kept in balance by a variety of checks, not the result of any preconceived theories, but of the practice and experience of generations, a great many of which are the outcome of prolonged, severe, and hazardous struggles. The relations of the two Houses of Parliament to each other, the relations of Parliament and the Executive Government to the Crown, all these points have been settled in a manner which it would be very easy to show is not theoretically perfect, but yet, after various adjustments, have been found in practice to work sufficiently well. In my opinion, it is not expedient, without adequate cause, that Parliament should be excited to examine the mechanism of the Constitution, and to raise, by calling attention to them, difficulties in the friction which would not otherwise be found out. Reference has been made by my hon. Friend the Member for Liskeard, in his speech to-night, to that prolonged contest which took place between George III. and the political Parties in Parliament—a contest which was waged in support, on the one hand, of the claim of personal government, and, on the other, in support of the Privileges of Parliament. That was one of the most prolonged and one of the most severe struggles through which our Constitution has passed. It would be, perhaps, rash to say that no similar struggle can ever, under any circumstances, be waged again between the different powers of the Constitution; but I think it is safe to say that that contest can never be waged again under the same or under similar circumstances. That was at the time of nomination boroughs and of other constituencies which were extremely small, when the Crown was in possession of almost

Resolution, meant the Sovereign as advised by Her Ministers—the repository of the Executive power, the repository of the Prerogative. Many hon. Members seemed to think that the Prerogative was a sort of Divine institution, or something which originally belonged to the Monarchy or Sovereign whereas if they would look into the matter fully, they would find that even the most theoretical lawyers would admit that the Prerogative was nothing more nor less than that which was granted to the Sovereign to be used as a trust for the benefit of the people. The struggle between Prerogative on the one hand, and liberty on the other, had been constant, and this House had been the scene of the struggle; and it was only the following up of the traditions on the side of liberty in the past that justified his hon. Friend in making his present Motion. They need not recall the incidents connected with the commencement of the Afghan War, or of the removal of the troops to Malta, or the purchase of the Suez Canal Shares, or other matters of that sort; but he did ask the House to consider whether or not there did not seem to be on the part of both the front Benches a certain indifference to deal with the gradual infringement of the Crown by the advice of the Ministers on what he regarded as the Constitutional rights and privileges of this House? At this moment there were going on in Egypt negotiations of a delicate and important character to this country; but they had no Papers and no information respecting negotiations. Her Majesty's Government refused to give them any information later than the end of last year; but some day the Chancellor of the Exchequer would come over to the House, and they would suddenly learn that they had been committed to some new Guarantee, or that they had entered into some Treaty with France. He asked if it was possible long to maintain the right of the Crown to act in that way behind the back of this House and of the country, to commit the country to a large expenditure, and involve it in serious guarantees? How long was it likely that the country would stand a Prerogative so extensive? The effect of the proposition was that the mode and limits of the exercise of the Prerogative should be more strictly observed. That proposition was not disputed by the front

Bench, and the right hon. Gentleman the Member for Greenwich was unable to say that he disputed the proposition that the Prerogative, as assumed by the Government at the present moment, ought to be allowed to remain in its present position. He did not wonder that the right hon. Gentleman was indisposed to make a long speech on this question. He remembered that when the hon. Gentleman (Mr. Rylands) called attention to the treaty-making power of the Crown, the right hon. Gentleman jumped up to defend the Crown, as if the Treasury Bench were not sufficiently capable of doing that. In a few weeks afterwards, the right hon. Gentleman had occasion to retract his words; for, in the meantime, the Turkish Convention had been concluded. It was then found that his doctrines had become inconvenient. It was found that this country had entered into serious guarantees, and that the broad propositions laid down from the front Opposition Bench were no longer to be maintained with their full force and authority. The country would consider the unwillingness of the front Benches to deal with this question as significant. They would see that there was a change in the influence of the Crown which not only affected Ministers in power, but Members who were looking forward to power, and they would learn with satisfaction the protest which came from Members below the Gangway against this unjust assumption of the Prerogative on the part of the Crown acting on the advice of its Ministers. He felt that this occasion had not been a sufficient one to hammer out the question; but he would say that it was the duty of the Government to take care that incidents such as had recently occurred should not occur again. If it was true that a large sum of money had been paid for telegrams from the Viceroy of India to the Queen, it could not be that those telegrams were on matters of private business. They must have conveyed information concerning the political condition of the country. But a more serious thing than that was the fact that the telegrams sent with reference to Lord Chelmsford—sent by the Crown on the responsibility of a single Cabinet Minister—had had the practical effect of withdrawing from the consideration of the House the competency of Lord Chelmsford. He admitted it was dic-

Mr. E. Jenkins

between the Sovereign and the Viceroy, and should appear to treat the question as a matter which could have no concern either for them or for Parliament. I think, if the full explanation given to-night had been given at the time, we might probably have avoided a great deal of misapprehension. I wish the right hon. Gentleman had entered as fully into an explanation of what has taken place in the matter of the alleged correspondence with Sir Bartle Frere and with Lady Frere. I cannot say, with the facts before us, that I see anything which need necessarily excite Constitutional jealousy in that correspondence. We have not seen the letter which, it is said, has been written to Lady Frere. If a letter has been written, I think it is extremely probable that it is due to those causes which have been referred to by the right hon. Gentleman, and that it is a letter of sympathy, not at all expressing an opinion of Her Majesty, or of Her Majesty's Government, upon any of the difficult questions to be settled in the Colony. I must say I think if such a letter has been written that great blame is due, not to Her Majesty for having written it—for I have no doubt, if we knew its contents, that it would do her nothing but honour—but great blame is due to someone in Africa for the use to which that letter has been put; and that that letter, whatever its contents, should be allowed to be spoken of by the Colonial Press as a letter which had stimulated the opinions of political combatants in the Colony is, I think, a use of that letter extremely to be deprecated, and extremely wrong to have allowed. But, Sir, I cannot say, in either of these cases to which reference has been made, do I see the slightest ground for affirming that Her Majesty has departed from the Constitutional practice which she has almost throughout the whole of her Reign observed. While I entirely agree that no sufficient proof has been brought forward of the alleged personal exercise of Prerogative by Her Majesty, I cannot sit down without stating my conviction that if stronger proof had been forthcoming, and any exercise of Prerogative had been proved, it would have been matter calling for very grave and very serious notice. I do not think that

we can, either in the interests of our own Privileges or in the interests of the Crown itself, afford to abate one jot of our Constitutional jealousy, or one jot of the doctrine that for every act of the Sovereign some Adviser of the Crown must be held responsible. It is useless to deny that there does exist in the country some vague uneasiness as to impending changes in our Constitutional relations. The right hon. Gentleman asked us just now whether anybody desired that the Constitution should be changed, and I thought that he spoke with almost too great an alacrity of his willingness to enter into discussion of any propositions which might be brought forward. But, Sir, there is no doubt that there is some, though, I grant, a vague uneasiness as to the possibility of impending changes. I will not, at this hour, go into what I believe to be the causes of that uneasiness—the subject, if discussed here, should be fully discussed, and it is useless to go into it at this hour. But, Sir, there is no doubt that men of great ability, in periodicals of much political influence, have put forward doctrines respecting the relations of the Executive to Parliament and the Crown which are altogether contrary to the doctrines which have been generally held on both sides of this House. Those doctrines, so put forward, have been met as I think they ought to have been met. They have been very fully discussed in the Press and out-of-doors. I do not think it is incumbent upon this House to discuss abstract theories about our Constitution, or about changes in our Constitution, however influential may be the exponents of such theories, or however much ability may be shown in supporting them. This House is only called upon, in my opinion, to act, and can only act with effect, to put such theories into action. Some attempt has been made to-night to show that a commencement has already been made in the policy which I have indicated. In my opinion, my hon. Friend has been led away by false and unnecessary alarm. I think the House, by agreeing to the Resolution which he has moved, and by showing unnecessary anxiety and want of confidence in its own position and in its own powers, would rather impair than strengthen the Privileges which it is the duty of this House to guard, and would, at the

now that the people were beginning to pay some of the penalties of that policy, shelter themselves behind "Court influence and personal government." The people who were responsible for this policy were the people of England themselves. If the Government had not been supported by the people, the policy which had been carried out could never have been persisted in. [*Ministerial cheers.*] That statement was cheered from the Conservative Benches, and he should repeat it again and again in the country, because up to the present time thousands of lives were sacrificed and millions of treasure were being wasted. Do not let the people of this country, like the people of France, attempt to shift the responsibility from themselves. If they had not been in favour of this so-called Imperial aggressive policy, that policy would never have been carried out. It was said that this Ministry was supported by the Court as against the wishes of the people. Nothing of the kind. When the Government found their policy resisted by the opinion of the country, the Government yielded at once. What did they see last autumn? The Government was then at the height of its power. The Government announced that they were going to give some English money to the people of Turkey; but within a few hours they withdrew that announcement. Why did they do so? Because they, like any other English Government, knew that they must submit to the popular view. Therefore, he thought there was a great deal of exaggeration about this Court influence. Let them encourage in the people this belief, which was, he believed, a true belief, that in them was centred all political power; and if the Government acted wrongly, it was their fault if those wrong acts were committed. He should have been delighted to express his opinion on some of the questions raised in this debate. That he hoped to be able to do on some future occasion. His hon. Friends who sat around him must not suppose that he differed from them in principle; but, whether right or wrong, he could not come to any other conclusion than that, as the Motion of his hon. Friend the Member for Swansea had been suddenly changed, it was better that he should not intrude upon the House the Amendment he had intended to move, or take any part in the Division.

Mr. Fawcett

THE CHANCELLOR OF THE EXCHEQUER: Sir, I regret very much to stand between the right hon. Baronet the Member for Tamworth (Sir Robert Peel) and the House, and I regret it still more because I gather from some voices behind me that an impression prevails that there is something irregular in my addressing the House a second time to-night. In point of fact, I have only said a few words, and those not upon the present Motion, but upon the original Motion presented to the House by the hon. Member for Swansea (Mr. Dillwyn), and those few words were only used in order to explain why at that time I did not think it my duty or convenient to enter upon the question. I feel that it is now full late for a speech to be delivered from this Bench in answer to the charges which have been made, and as to which we are peculiarly responsible; and I think I should not be doing my duty if, after what has recently been said, I should any longer delay in addressing the House. I waited until I should hear the hon. Member for Dundee (Mr. E. Jenkins), because I felt, under the peculiar circumstances of the debate, that he was the real author of the Motion now before the House. The hon. Member for Swansea, as we have been reminded, gave Notice of his Resolution some weeks ago; and it was not until the hon. Member for Dundee gave Notice last night of an Amendment of an important character upon that Resolution that the hon. Member for Swansea changed the wording of his Motion. Well, Sir, it is not convenient that the wording of a Motion should be changed suddenly; but it is still less convenient if a change is made for the reason assigned by the hon. Member for Swansea. The reason put forward by him was that he found that the Motion of which he had given Notice was misconstrued, and that it was understood to bear a meaning which he never intended it should bear—namely, that he was intending to move a Resolution conveying a Censure upon Her Majesty the Queen, and that it was in order to get rid of that unfortunate misunderstanding that he agreed to change the wording of his Resolution. I fully accept, and everyone who knows the hon. Gentleman would be prepared to accept in the largest measure, his disclaimer of the intention to make any charge of a personal character upon Her

Majesty the Queen. But I think no one can have watched the course even of this debate, and that no one can have observed the language which has been held out-of-doors during the time that the Motion has been upon the Paper, without seeing that whatever was the intention of the Mover, at all events the impression conveyed to many minds and to the public was that the conduct of the Queen was charged as unconstitutional by the Motion; and I rejoice to find, and we all rejoice to find, that such was not the intention of the hon. Member for Swansea or the hon. Member for Liskeard (Mr. Courtney). Still, we feel it is indispensably necessary that we should, in the most distinct and most emphatic manner, repudiate and rebut the charge which has been brought against Her Majesty. The Amendment of which the hon. Member for Hackney (Mr. Fawcett) had given Notice was an Amendment which seemed to me of the kind that we might have accepted; because, whether we were fully satisfied with it or not, it in substance appeared fairly to traverse the Motion originally intended to be made by the hon. Member for Swansea. His Motion was understood to raise the question as to whether Her Majesty had interfered in the foreign or in the Indian policy of the country without proper Constitutional resort to the advice of her Ministers, and the hon. Member for Hackney had proposed to say that there was no evidence of her having so acted. That Motion has been changed, and the Mover disclaims an intention to make a charge against the Sovereign; but still he does not, as it seems to me, withdraw the imputation, neither does the amended Motion lead at all to the satisfactory conclusion that there is no charge of interference on the part of the Crown in the State policy of the country; while it does import into the question another element, and one which it is impossible we should altogether pass over and ignore. It imports into this Resolution that which was hardly in the original Resolution—a distinct Vote of Censure upon the Government. That undoubtedly places us in a position of embarrassment, because, on the one hand, we desire to adopt such a course as may most distinctly mark the sense of the House of the inadequacy, nullity, and utter futility of the charges brought against

the Queen; and, on the other hand, we cannot accept any Resolution that gives the go-by to the charge now made against the Government of having made an improper use of the Prerogative of the Crown. Therefore, after thinking the matter over, we have come to the conclusion that there is no course open to us but to meet the Motion of the hon. Member for Swansea with a direct negative. The noble Lord the Member for Westmeath (Lord Robert Montagu) has moved an Amendment, which he supported in a speech of great research, learning, ingenuity, and of some length. But whatever may be the merits of that Amendment; it distinctly avoids the question, and we cannot accept it. The hon. Member for Hackney does not move his Amendment, and it is, therefore, clearly inappreciable. For that reason, I think we have no course open to us but to meet the Motion with a direct negative. But, Sir, in doing this, I wish to draw a distinction between the two parts of the censure which is, either directly or indirectly, conveyed. As regards the censure cast upon Her Majesty's Government, we are now, I think, become tolerably well hardened to attacks of this kind; and so far as the speeches of the Mover and Seconder traverse the old ground of the iniquities of the Government in respect of their conduct at the various stages of the critical events of last year, so far as they relate to the movement of the Indian troops, the Vote of Credit, or the various other subjects to which reference has been made, we are perfectly content to say that those questions have been brought forward in this House one by one, they have been debated one by one, and the judgment of the House has been passed upon them all singly. And if it is desired now to take them again in the lump, we are perfectly prepared to meet them in that form also. But, Sir, the case is totally different when the revered name of the Sovereign of this country is brought in question in any shape or form; and whether it be in the shape of a direct charge against Her Majesty, or of a charge against her Advisers, that they have made use of and sheltered themselves behind her name, we find it necessary to give it a distinct and emphatic contradiction. The hon. Member for Halifax (Mr. Hutchinson) said just now that there was in the

country an impression that encroachments were being made by Monarchical or Ministerial authority, or both; and the hon. Member for Dundee (Mr. E. Jenkins) echoed very much the same sentiments. He said there was a feeling of jealousy with regard to the influence of the Crown, and that if we read the newspapers, we should see that such impression was abroad. I am upon this point happy to be able to confirm the opinion which he has expressed; for it has happened that, in reading a newspaper this evening, I found the following words—I am quoting from *The Echo*:—

“But occasionally we have significant indications that the Crown is acting as permanent head of the Cabinet, or rather of the small Cabinet inside the larger one. Her Majesty sent a despatch to Lord Lytton, so lengthy that the cost of telegraphing it was 1,400 rupees. Then we have the elaborate message to Lord Chelmsford, and the still more recent one to Lady Frere.”

Now, this is the sort of statement which goes forth in columns widely circulated for the instruction of the public. If hon. Members will consider it for a moment, they will see that, even assuming the correctness of the charges brought against us here, these charges thus made in the Press are totally unfounded. The charge made in the Question put by the hon. Member for Swansea some weeks ago, upon which this Motion was raised, did not relate to any telegraphic despatch sent by Her Majesty to Lord Lytton, but related to a telegraphic communication said to have been despatched from Lord Lytton to Her Majesty. That is a very different case, because it is quite possible and highly probable that there may have been communications as to matters of fact made by the Viceroy to the Queen; while, on the other hand, telegrams from the Queen to Lord Lytton might bear a different construction. But this is a matter upon which I shall trouble the House for a few moments, because it is the only serious one brought forward in this discussion. We have heard a good deal about the telegrams to Lord Chelmsford and to Lady Frere, and this is a matter as to which I think the answer commends itself to the common sense of the House. At a moment of great anxiety; at a moment when Her Majesty's troops had met with an un-

The Chancellor of the Exchequer

fortunate reverse; when there had been great loss of life, and great concern was naturally felt on the part of Her Majesty; at a time, too, when the Government were so far from expressing their censure or their want of confidence in their Agents or Ministers in South Africa, that they felt it to be their duty to defend them, and retain them in the responsible positions which they filled; Her Majesty, always ready with a kind word, sent a message in the most general terms of sympathy, and at the same time conveyed an expression of confidence that her troops would redeem themselves from the difficulties in which they were placed, and that her Administrator and Governor would be able to bring them out of the difficulties of their situation. There is really nothing in that which can in any way whatever be found fault with, nor do I believe that anybody has made it the subject of a serious charge. But with regard to the case of the Indian telegram, I am bound to say that it is a matter which requires a moment's consideration. This charge originates in a very remarkable article contributed to one of the numerous periodicals of the day by a gentleman whose name is very well known to us all as a special correspondent of one of the newspapers, and an admirable writer, whose descriptions we all read with interest and pleasure—Mr. Archibald Forbes. Whether he is an equally great Constitutional authority is, of course, another question. He is a gentleman with whose name we all are familiar, but of whom I have no personal knowledge. The article is entitled “Some Plain Words about the Afghanistan Question,” and gives an account of what he has gathered to be the history and origin of that war. He says that Lord Lytton was desirous of bringing about a quarrel with the Ameer Shere Ali, and, of course, of pressing his view upon the Home Government, who, according to Mr. Archibald Forbes, were unable to see the necessity for hostilities with Afghanistan. Mr. Forbes proceeds to say—

“While working in this fashion on his own account, Lord Lytton was pleading with Lord Cranbrook for his sanction to an immediate Declaration of War.”

And after a few more sentences he adds—

"Nor did he confine his communications to the Constitutional channel. It is not generally known, but it is nevertheless true, that the Viceroy of India has maintained direct communication in the Anglo-Afghan affair with Her Majesty the Queen. How copious this must have been may be judged from the fact that the telegram sent upon this great and difficult case was so long that the cost was 11,000 rupees."

These words are in italics, and a great writer does not usually make use of italics unless he wishes to direct particular attention to that about which he is writing. It is obvious that the meaning of the paragraph is this—that Lord Lytton, desiring to bring about the acceptance of a certain policy with Her Majesty's Ministers at home, and finding himself unable to persuade them by his arguments, addressed himself directly to the Queen, that he might obtain Her Majesty's support in order to carry his object. Now, that, if true, is a serious charge, and one which undoubtedly trenches upon the Privileges of Parliament and the Constitution of the country. But, Sir, there is no foundation whatever for such a statement. It is perfectly true that a long telegram was sent by Lord Lytton to Her Majesty; but what was the date of that message, and to what circumstances did it refer? I have been favoured by Her Majesty with a sight of that telegram, and am perfectly acquainted with it, and it is at this moment in my possession. I will describe its nature and purport. In the first place, its date is the 26th of November; the advance of the Forces had begun five days previously—that is, on the 21st of November—and the telegram which Lord Lytton addressed to Her Majesty described in tolerably succinct phrases the advance of the various columns of Her Majesty's Forces. He begins by saying that they advanced on the morning of the 21st of November, under Generals Biddulph and Roberts, and the nature of their instructions is mentioned for the information of Her Majesty. There is not one word upon the causes of the war; there is not one word with regard to political matters; it is only a telegram sent by the Viceroy at the moment when the movement took place, in order that Her Majesty might receive early and authentic intelligence of that which had taken place. That is the whole explanation of this mysterious telegram, in reply to which Her Majesty simply expressed

her gratification at hearing of the success which had attended her troops. The telegram was not sent by Her Majesty without being first submitted to, and approved by her Minister. I ask what does the House consider to be the position—what does it consider to be the rights and duties of the Sovereign? Is the House of opinion that it is improper that Her Majesty should be in any way in the receipt of intelligence as to important and interesting events which are going on? Is the House of opinion that Her Majesty should not write a private letter, or express any opinion of her own upon any matter which seems to call for the expression of sympathy with those who are in trouble? Is it possible to suppose that one who has held, and continues to hold, so important a position as the Queen of England; one who has had her experience; one who is called upon from time to time to admonish and to advise; whose right it is, as the hon. Member for Liskeard (Mr. Courtney) has said, "to be consulted, to encourage, and to warn," are we to be told that she is to be deprived of all information as to the real state of affairs, or as to the real state of feeling in this country or anywhere else? Sir, I maintain this position to be utterly untenable. We have, in some of the language used to-night, heard to what absurd and ridiculous lengths this case has been carried. It would appear that Her Majesty ought not to be informed as to the details of what passes in this House, or what passes in the Cabinet; and other like doctrines have been advanced in a way which makes us really wonder at the views which hon. Members opposite entertain. But I think we may say, in answer to all these charges, that the character and the history of the present Reign and of the present Sovereign are in themselves a sufficient refutation. We need not appeal to any evidence but that which we ourselves possess; but if it were necessary to do so, I would say—Go to what country you please, to France, Italy, America, or where you may, and listen to the language in which the Sovereign of Great Britain is spoken of. Everywhere you will hear the same uniform eulogium upon the private virtues and conduct of the Queen and upon her high Constitutional character. I venture to say there has never been in the annals

of this country a Sovereign who has more loyally justified the position which Her Majesty occupies as a Constitutional Sovereign. The hon. Member for Swansea, in his original Motion, told us that certain action was not in accordance with Constitutional usage "as now understood and settled." But how, and by whom, has the Constitutional usage of this country come to be so understood and settled? It has been so, at least as much by the perfect influence of our gracious Sovereign, as by the wisdom and firmness of Parliament, and by the expression of public opinion throughout the country. In all these matters the Queen has not only borne her part, but she has taken the lead in confirming and observing the Constitutional rules by which she should be guided; and it is owing to this that we are blessed with a Constitution in which the Sovereign is neither a mere dummy, nor, on the other hand, overshadows or takes an undue part in governing the affairs of the country. I do not know whether it may be the wish or the idea of some persons in this House, or out of it, that the Constitution of this country should be changed. It may be that in some places there are ideas abroad that a Constitutional Monarchy is not the best form of government, and that some form of Republic, or some powers given to a Parliamentary body or a Senate analogous to those in other countries, would be preferable. If such opinions are entertained, let them be discussed, and let us see what is the real feeling of the country. But, Sir, I act upon the assumption that we adhere to the Monarchical form of Government; and I maintain, with the utmost confidence, and with no qualification whatever, that Her Majesty fulfils in every particular the duties of a Constitutional Sovereign, such as we understand by that term. We have, as I have already pointed out, a safeguard in the character of the Sovereign; we have another safeguard, and it is one which ought not to be underrated—in the determination which, I am sure, will always animate the Parliaments of this country to maintain their just rights and Privileges. But it is not because we respect the Prerogatives and Privileges of the Queen, that we are, therefore, willing to tamper with the rights and Privileges of Parliament. It is not the way to show ourselves strong in defending our own

Privileges to be ready to catch at every word of gossip and at every insinuation of malice, from wheresoever it may come, and to put constructions of the worst character upon acts which in themselves are both innocent and Constitutional. I do not think that is the way in which the liberties of the country and the Privileges of Parliament are to be defended. I say we are to defend these Privileges by making ourselves respected in the country, by making ourselves strong, and the guardians of that Constitution of which we are no unimportant part. We were told just now that "there are no guardians of the public liberties; that the Cabinet is no guardian; that the Ministry is no guardian; that the House itself, overpowered as it is by a majority, is no guardian of them." I do not understand language of that sort. I do not understand why the minority of the House should be allowed to come forward to say that the majority cannot be regarded as the guardians of the public liberties, merely because they differ from the minority on particular questions. But I say that it is the duty of the minority, whenever they believe that the Prerogatives of the Crown are being unduly strained, or that the Privileges of Parliament are being encroached upon, it is their duty to come forward to state their views, and to press them publicly against the largest numerical majority, and trust to the progress of public opinion to enforce those views which they believe to be sound. That is what has been done, and what will continue to be done by the minority, if, upon any future occasion, they have specific grounds of complaint to go upon. But, Sir, I say that the sort of Motion which we have had submitted to-night—vague and uncertain—such a Motion as we are unable to grapple with—a very Proteus, changing its form as often as we come to close quarters with it—is neither likely to increase the respect in which this House is held by the country, nor to be of advantage to the Constitution under which we have the happiness to live.

THE MARQUESS OF HARTINGTON: Sir, I must confess that I have never been more perplexed since I have been in this House than by the proceedings in this House which have preceded and accompanied the moving of this Resolu-

tion. When I first read the Resolution of the hon. Member for Swansea, it did not appear to me to be particularly well framed, or particularly clear in the proposition which it was designed to enunciate. But having, as I thought, mastered the meaning of that Resolution, I was yesterday certainly astonished when my hon. Friend declared that it had taken him entirely by surprise to find that the Resolution of which he had given Notice was in any way supposed to be a Vote of Censure upon Her Majesty. It is extremely possible, and it has been contended by the hon. Member for Liskeard (Mr. Courtney), that technically the Motion was not a Vote of Censure upon Her Majesty, because Her Majesty cannot be held responsible for any action whatever; and that, if it was a Vote of Censure at all, it would have been a censure upon the Advisers of the Crown. But certainly the impression conveyed by the terms of the Resolution imported censure upon certain proceedings of Her Majesty in her personal capacity, which, by some evil advice, she had been induced to take; and, therefore, I cannot understand how it can have so much astonished my hon. Friend to learn that it was regarded as a direct Vote of Censure upon the Queen. My perplexity was still further increased when I heard him say that he was prepared to accept the Amendment of the hon. Member for Dundee (Mr. E. Jenkins), and when I found the effect of that Amendment to be not a very considerable alteration from the terms of the original Resolution. Sir, that Resolution has now become a sort of vague Vote of Censure upon the Government in respect of several matters which have already been under the consideration of the House; and that which yesterday was the principal allegation of the Resolution—namely, that there had been personal interference on the part of the Sovereign—has now been remitted to a secondary and comparatively insignificant position. I cannot think that these proceedings are at all convenient to the House, because I think that when matters of this importance are dealt with by the House, they ought to be dealt with after due consideration, and after the bearings of the Resolution affecting them have been fully considered, and that time should be given to the House for fully considering the bearings

of the Resolution, as well as for making Amendments. No one can doubt for a moment the importance of the issue raised by the Motion of the hon. Member; but I am still in some perplexity as to what that issue is. But while there is no doubt as to the importance of the subject, there will be much difference of opinion as to the expediency of its being made at all, either in the form proposed yesterday or in that which it has assumed to-day. Our Constitution contains a great variety of forces, not necessarily opposing forces, but which may occasionally find themselves in opposition to each other, and which are kept in balance by a variety of checks, not the result of any preconceived theories, but of the practice and experience of generations, a great many of which are the outcome of prolonged, severe, and hazardous struggles. The relations of the two Houses of Parliament to each other, the relations of Parliament and the Executive Government to the Crown, all these points have been settled in a manner which it would be very easy to show is not theoretically perfect, but yet, after various adjustments, have been found in practice to work sufficiently well. In my opinion, it is not expedient, without adequate cause, that Parliament should be excited to examine the mechanism of the Constitution, and to raise, by calling attention to them, difficulties in the friction which would not otherwise be found out. Reference has been made by my hon. Friend the Member for Liskeard, in his speech to-night, to that prolonged contest which took place between George III. and the political Parties in Parliament—a contest which was waged in support, on the one hand, of the claim of personal government, and, on the other, in support of the Privileges of Parliament. That was one of the most prolonged and one of the most severe struggles through which our Constitution has passed. It would be, perhaps, rash to say that no similar struggle can ever, under any circumstances, be waged again between the different powers of the Constitution; but I think it is safe to say that that contest can never be waged again under the same or under similar circumstances. That was at the time of nomination boroughs and of other constituencies which were extremely small, when the Crown was in possession of almost

unlimited patronage. It was possible for the Sovereign, as George III. did, to dictate his own policy to his Ministers, to dismiss his Ministry when he objected to their policy, and sometimes to defeat his own Ministers in Parliament by means of his own personal influence. But the circumstances under which that action of the Sovereign was exercised are entirely gone, the position is entirely changed; and no conflict between the Crown and Parliament can ever be waged at the present time in circumstances even remotely similar to those to which my hon. Friend referred. But even at the time when the conflicts between the Crown and the political Parties were constant, I think it will be found, upon examination, that no Parliamentary action was ever taken, except on grounds most distinctly stated, or except on grounds the existence of which was perfectly notorious. Now, Sir, have any such grounds for Parliamentary action been alleged in the present case, or is there any such notorious interposition of the Sovereign in matters of policy as would warrant the absence of specific statements in the Motion which has been made? In my opinion, my hon. Friends who moved and seconded this Resolution have confused two issues which are altogether and totally distinct. They have confused the charges which have been brought from this side of the House from time to time against Her Majesty's Government of an abuse of the powers of the Crown with charges of a different, of an altogether different description. We, on this side of the House, have thought it necessary, and I have myself been a party to it on every occasion, to challenge the exercise of the Prerogative of the Crown by Her Majesty's present Advisers in the case of the removal of the Indian troops; again, in the case of Anglo-Turkish Convention; and, again, in the proceedings, without the knowledge of Parliament, which led to the Afghan War. We have contended that in every one of these cases the Prerogative and the powers of the Crown have been abused by Her Majesty's Government. I think that we took a right course in raising every one of those issues in detail and separately. I think we should have failed in our duty to the House and the country if we had acted otherwise. But, as has been pointed out by my right hon. Friend the Member for Greenwich

(Mr. Gladstone), these issues have been decided in every instance against us by this House. Although we are not content to consider that decision as a final one, there is but one tribunal to which it is possible for us to make an appeal. It is competent for us, and we shall, I hope, appeal from the judgment of the House to the judgment of the constituencies whenever we have the opportunity. But, on the other hand, I must agree with my right hon. Friend that there is no practical object to be attained in raising again collectively in this House charges which have been heard in detail, and which, so far as this House was competent to decide them, have been decided against us. But with these issues which we have raised, and which my hon. Friend (Mr. Dillwyn) and I have together been parties to raising, my hon. Friend has mixed up the question which has excited—I do not say unnecessarily excited—considerable attention in the mind of the country generally, the question which goes, for want of a better name, by the name of the revival of personal government. What instances have been brought forward by my hon. Friend in support of the allegation which was conveyed in the Resolution, as it stood on the Paper yesterday, that there has been a direct interposition on the part of the Crown in matters of Indian and foreign policy, or in support of the insinuation contained in the Resolution moved to-day, that there has been a supposed personal interposition of the Sovereign? I listened carefully to the speeches; but I must say that in the historical narrative of recent events which was given by my hon. Friend the Member for Swansea (Mr. Dillwyn), and in the historical disquisition of my hon. Friend the Member for Liskeard (Mr. Courtney), I was only able to detect two allegations brought forward in support of this supposed personal interposition. One of them has been very fully dealt with, and I think, on the whole, very satisfactorily dealt with, by the right hon. Gentleman opposite, in the speech which he has just made. I am not here to defend the answer given in the first instance when the question was first put. I think, on further consideration, it should have occurred to the Government that it was not altogether right that they should say that they had no knowledge of correspondence

between the Sovereign and the Viceroy, and should appear to treat the question as a matter which could have no concern either for them or for Parliament. I think, if the full explanation given to-night had been given at the time, we might probably have avoided a great deal of misapprehension. I wish the right hon. Gentleman had entered as fully into an explanation of what has taken place in the matter of the alleged correspondence with Sir Bartle Frere and with Lady Frere. I cannot say, with the facts before us, that I see anything which need necessarily excite Constitutional jealousy in that correspondence. We have not seen the letter which, it is said, has been written to Lady Frere. If a letter has been written, I think it is extremely probable that it is due to those causes which have been referred to by the right hon. Gentleman, and that it is a letter of sympathy, not at all expressing an opinion of Her Majesty, or of Her Majesty's Government, upon any of the difficult questions to be settled in the Colony. I must say I think if such a letter has been written that great blame is due, not to Her Majesty for having written it—for I have no doubt, if we knew its contents, that it would do her nothing but honour—but great blame is due to someone in Africa for the use to which that letter has been put; and that that letter, whatever its contents, should be allowed to be spoken of by the Colonial Press as a letter which had stimulated the opinions of political combatants in the Colony is, I think, a use of that letter extremely to be deprecated, and extremely wrong to have allowed. But, Sir, I cannot say, in either of these cases to which reference has been made, do I see the slightest ground for affirming that Her Majesty has departed from the Constitutional practice which she has almost throughout the whole of her Reign observed. While I entirely agree that no sufficient proof has been brought forward of the alleged personal exercise of Prerogative by Her Majesty, I cannot sit down without stating my conviction that if stronger proof had been forthcoming, and any exercise of Prerogative had been proved, it would have been matter calling for very grave and very serious notice. I do not think that

we can, either in the interests of our own Privileges or in the interests of the Crown itself, afford to abate one jot of our Constitutional jealousy, or one jot of the doctrine that for every act of the Sovereign some Adviser of the Crown must be held responsible. It is useless to deny that there does exist in the country some vague uneasiness as to impending changes in our Constitutional relations. The right hon. Gentleman asked us just now whether anybody desired that the Constitution should be changed, and I thought that he spoke with almost too great an alacrity of his willingness to enter into discussion of any propositions which might be brought forward. But, Sir, there is no doubt that there is some, though, I grant, a vague uneasiness as to the possibility of impending changes. I will not, at this hour, go into what I believe to be the causes of that uneasiness—the subject, if discussed here, should be fully discussed, and it is useless to go into it at this hour. But, Sir, there is no doubt that men of great ability, in periodicals of much political influence, have put forward doctrines respecting the relations of the Executive to Parliament and the Crown which are altogether contrary to the doctrines which have been generally held on both sides of this House. Those doctrines, so put forward, have been met as I think they ought to have been met. They have been very fully discussed in the Press and out-of-doors. I do not think it is incumbent upon this House to discuss abstract theories about our Constitution, or about changes in our Constitution, however influential may be the exponents of such theories, or however much ability may be shown in supporting them. This House is only called upon, in my opinion, to act, and can only act with effect, to put such theories into action. Some attempt has been made to-night to show that a commencement has already been made in the policy which I have indicated. In my opinion, my hon. Friend has been led away by false and unnecessary alarm. I think the House, by agreeing to the Resolution which he has moved, and by showing unnecessary anxiety and want of confidence in its own position and in its own powers, would rather impair than strengthen the Privileges which it is the duty of this House to guard, and would, at the

same time, imperil those relations with the Crown which, next to its own Privileges, it is its duty and its main object to maintain. As to the vote that I intend to give, I am sorry that, on account of the unexpected change in the Resolution, it is impossible for my hon. Friend the Member for Hackney (Mr. Fawcett) to move his Amendment. That Amendment, in my opinion, very distinctly and very sufficiently met the allegations which were contained in the original Resolution. It is, I think, to be regretted, when a Constitutional question of this kind has been raised, that it should be met by a direct negative, and that nothing should be left upon the Records of the House to show the view the House takes upon the subject. I regret, for the same reason, that the Government have not thought it possible for them to meet it with a Resolution which would have expressed the opinion of the House on the point raised. I think, when a Constitutional question of this sort is raised, it is right to have some expression of the opinion of this House. But I entirely agree with all that was said by my right hon. Friend the Member for Greenwich (Mr. Gladstone) as to why it was impossible for him to support the Resolution of my hon. Friend the Member for Swansea. I will not repeat his arguments; but I must say that, although on the grounds of the inexpediency of the Motion, and of its being ill-timed, I might, under ordinary circumstances, have been disposed to take no part in the issue so raised, yet that there are still in this Resolution words which make it impossible for me to refrain from expressing by my vote the opinion I hold on the question at issue. The Resolution still contains, although in a secondary position, the words "the supposed personal interposition of the Sovereign." Now, as the Resolution cannot be amended, I cannot refrain from expressing by my vote the opinion which I hold, that no proof has been forthcoming to-night to justify the assent of this House, either directly or indirectly, to the assertion that there has been any such personal interposition on the part of the Sovereign; and as there is no Amendment which more clearly expresses the opinion I hold on the question raised by my hon. Friend the Member for Swansea (Mr. Dillwyn), I have no alternative but to

vote with Her Majesty's Government against the Motion.

MR. ASSHETON CROSS: Sir, I shall not intervene for more than two minutes between the right hon. Baronet the Member for Tamworth (Sir Robert Peel) and this House; but one remark fell from the noble Lord which, I think, I am bound to answer. The noble Lord has observed that my right hon. Friend the Chancellor of the Exchequer has made no allusion to the letter which is supposed to have been written by Her Majesty to Lady Frere, nor to the message sent to Lady Frere. I have to say, on behalf of my right hon. Friend, that the only reason why he did not allude to it was because he thought, after what had taken place, that there really was no serious suggestion made with regard to what was said in the message which went from the Crown to Lady Frere. Therefore, he did not allude to it, or make the statement which he had received authority to make. But as the noble Lord has pointed out that no allusion has been made to it, I think it only right that I should state at once to the House the information which I have received the authority of Her Majesty to-day to state. In that communication to Lady Frere—although, as I think Her Majesty was bound to do, she did express the deepest sympathy for Sir Bartle Frere in all the difficulties and dangers and troubles with which he had to contend, her letter of sympathy was couched in the most general terms; and there was nothing in it, either one way or the other, which should lead him to believe that Her Majesty wished to recommend any line of policy. I think it is only right to say that, and I think my noble Friend will agree with me that it is due alike to Her Majesty, and the House and the country, that that should be openly stated.

SIR ROBERT PEEL: Sir, at this late hour, after the apologies of the Home Secretary, and the perplexities of the noble Lord, and the statement from the Chancellor of the Exchequer that he is ready to consider any proposal for the amendment of the Constitution, it is impossible that this question should be properly discussed, and, therefore, I move the adjournment of the debate.

MR. O'CONNOR POWER seconded the Motion.

The Marquess of Hartington

Motion made, and Question put, "That the Debate be now adjourned."—*(Sir Robert Peel.)*

The House divided:—Ayes 46; Noes 347: Majority 301.—(Div. List, No. 91.)

Question again proposed, "That the words proposed to be left out stand part of the Question."

MAJOR NOLAN said, that his hon. Friend the Member for County Mayo (Mr. O'Connor Power), who had seconded the Motion for the adjournment of the debate, represented a county which contained a very large number of inhabitants. As he (Major Nolan) represented a neighbouring county with a similar population, he ventured again to urge the necessity for adjourning the debate. In the first place, this was a most important question; and, secondly, the right hon. Baronet the Member for Tamworth (Sir Robert Peel) wished to address the House upon it. The right hon. Baronet had only given way to the Chancellor of the Exchequer, who had insisted upon speaking when he rose. For these reasons, and as the right hon. Baronet had been precluded up to that time from taking any part in the debate, he thought it should be adjourned. The right hon. Baronet was one of those Members who were listened to by the House with the greatest attention, and the fact of his being precluded from speaking constituted a reasonable cause for the adjournment of the debate. He therefore begged to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Major Nolan.)*

SIR ROBERT PEEL said, that the hon. and gallant Member for Galway (Major Nolan) having referred to him, he felt bound to offer some observations upon this subject, which he considered to be one of absolute importance to the country. The House had heard apologies from the Secretary of State, and expressions of bewilderment from the noble Lord who led a section of the Liberal Party in that House, with regard to the Motion of the hon. Member for Swansea (Mr. Dillwyn). Nothing definite had, however, been arrived at, although the Chancellor of the Exchequer had said that Her Majesty's Govern-

ment were quite prepared to entertain any proposition which might be started concerning it. This being the case, he thought that it would become a very serious question if this matter of the Prerogative of the Crown were raised out-of-doors, for a feeling was growing up that something was going on which the people did not understand. It was all very well to lay stress upon what were called letters of condolence from Her Majesty to Lady Frere. No one in that House questioned the character or the qualities of the Sovereign, or her right to express her feelings of condolence to Lady Frere in the position in which she had been placed. But there was something behind—and it was a question of confidence in the policy which this country pursued. He had no hesitation in saying that the policy followed in South Africa at this moment was one which would meet with the reprobation of the country. The Government had admitted that the war was both unjust and unnecessary. The question which had been raised by the hon. Member for Swansea was one which had been more than once previously raised in this country, and had met its reprobation. It was not met with sneers when Mr. Dunning raised it in 1780, but it was carried by a majority; and, again, in 1820, when Mr. Brougham raised the question, it was not met in the way which it had now been. Mr. Fox, speaking early in the century of the Prerogatives of the Crown, said—

"You talk about bringing proof of that which is an intangible thing; but, nevertheless, is a thing which may work invisible, but incalculable, mischief to this country."

That was precisely what many people in the country and in that House felt at the present moment. There was, undoubtedly, an uneasy feeling abroad—it was impossible to deny it—and he considered that, for the purpose of freely and fully discussing the matter, they ought more fully to debate the question raised by the hon. Member for Swansea. The speech that he had heard that night from the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had fairly astonished him. He would have given anything to have risen after that right hon. Gentleman. When he recalled to his recollection what the right hon. Gentleman said in the coun-

try last autumn—how, over and over again, he reiterated that the Government had put the Sovereign above and beyond the Constitution—and then, when he saw the right hon. Gentleman the Member for Greenwich get up and make that shabby, flabby speech to-night, pretending that he had not had time to consider the Motion, he was astonished. Time to consider the Motion by the right hon. Gentleman, who could speak by the yard, without notice or hesitation! It was idle to bring forward such a pretence as that. Then, as to the noble Lord, he might tell him that there was no chance of “squelching” that debate, for the subject only excited too much feeling in the country. If a meeting were got up in London, as it might be, in Exeter Hall, or in any of those places, and a half-dozen Members of Parliament were present, they could readily raise a feeling which would show that this debate was not to be squelched. He approved of the Motion of his hon. and gallant Friend the Member for Galway, and agreed with the necessity of postponing the discussion of a question which was regarded of the utmost importance out-of-doors.

Mr. O’CONNOR POWER supported the Motion for adjournment. With regard to the explanation of the right hon. Baronet the Secretary of State for the Colonies with reference to the letter to Lady Frere, he would point out that when the Question was originally asked about that letter it was scarcely noticed by the right hon. Baronet. If the Government had stated at an early day that this letter was not intended to endorse any line of policy, he ventured to say that the public feeling would not have been excited on the matter. In his answer to that Question, the right hon. Baronet only stated that the Government had no knowledge of the existence of such a letter. But he must remind him that it was his business, as a Member of the Cabinet, to have such knowledge. It was his business, when a Question was put upon the Paper of that House, to ascertain all the circumstances of the matter. From the Question being put down upon the Paper, the Government would know that they were likely to be challenged upon the subject, and it was the duty of the Secretary of State for the Colonies to have knowledge of the existence of the document.

Sir Robert Peel

Instead of that, the right hon. Gentleman had disposed of the matter in a very summary manner; but when the subject came to be debated in the House, the Home Secretary got up and made an apology, which he would venture to say would sway the votes of 40 or 50 hon. Members. He did not think that that was a business-like way of dealing with the question, nor that the public, who took a great interest in this subject, would consider it a right course. Under these circumstances, he trusted that the House would say that the Motion for the adjournment was one which only showed a proper desire for the discussion of this question, and that it was one that ought to be acceded to.

SIR HENRY HAVELOCK observed, that at the the time right hon. Baronet the Member for Tamworth rose to move the adjournment of the House the clock stood at 5 minutes past 1, and there was ample time for him to express his views. The right hon. Baronet had used terms with reference to the speech of the right hon. Gentleman the Member for Greenwich which he thought everyone must consider would be more properly applied to the speech of the right hon. Baronet himself. On this occasion, he had taken the opportunity of escaping from the embarrassment in which he found himself by moving the adjournment of the House. But the House was perfectly willing to hear the right hon. Baronet, if he had thought to address it, after the right hon. Member for Greenwich. He thought that the patience and consideration with which the speech of the right hon. Baronet had just been listened to showed that the House would have been willing to have heard him at any hour. It seemed to him that both the hon. and gallant Member for Galway (Major Nolan), and the right hon. Baronet the Member for Tamworth, had discharged themselves of the utterances with which they were charged, and that, therefore, there was no occasion whatever for the adjournment of the debate. He trusted that the House would not accede to the Motion.

Question put.

The House *divided*:—Ayes 43; Noes 307: Majority 264.—(Div. List, No. 92.)

Question again proposed, “That the words proposed to be left out stand part of the Question.”

MR. O'SULLIVAN begged to move the adjournment of the debate. He said, that however willing the House was to listen to the right hon. Baronet the Member for Tamworth, the country was also anxious to know what he said, and at that hour it would be impossible for anything that he uttered to go beyond the walls of that House. He hoped the House would see the futility of protracting this matter, because at 7 o'clock in the morning hon. Members would be found as fresh to move the adjournment of this debate as they were at the present time, and the matter would only result in the same way as the debate on the Sunday Closing Bill.

Motion made, and Question proposed, "That the Debate be now adjourned."—*(Mr. O'Sullivan.)*

THE CHANCELLOR OF THE EXCHEQUER: The House has now, by two Divisions, expressed its opinion that it is desirable to continue this debate. When the House, by such majorities, affirms its desire, it is to be taken for granted that the House will be patient enough to listen to any hon. Gentleman who wishes to address it on this Motion. But, seeing that the promoters of the Motion are most anxious for the adjournment of the debate, I do not know why we should not be justified in putting this construction upon their conduct—that they shrink from challenging the opinion of the House upon the question that they have submitted to it. Whether that be so or not, it is quite clear that it would be only a waste of time to divide the House upon repeated Motions for adjournment; and, therefore, I shall offer no opposition to the Motion for the adjournment of the debate.

Motion *agreed to*.

Debate *adjourned till Tuesday next*.

UNIVERSITY EDUCATION (IRELAND) BILL.

THE O'CONOR DON said, that he had a Motion on the Paper with reference to this subject, and as it was impossible now to bring it on, he had to ask the Chancellor of the Exchequer that it might be again postponed. He now found himself in a worse position than he was last week when the matter came on; and he, therefore, ventured to repeat his appeal to the Chancellor of

the Exchequer to give him another opportunity for bringing on the Motion. If the right hon. Gentleman would permit him to offer a suggestion, he would ask whether it would be possible for him to bring forward this Bill upon Thursday next? If the right hon. Gentleman could allow him to bring forward the Motion about 11, or half-past, it would be a great convenience, as the Motion was not one which it was desirable to have hanging over, inasmuch as there was a great amount of misrepresentation with regard to the Bill being circulated about the country. It was, therefore, desirable that it should be taken on as early a day as possible.

THE CHANCELLOR OF THE EXCHEQUER said, that he should be happy to give the hon. Member another opportunity of bringing forward his Bill, and that he thought he could promise him either Thursday or Monday next. He gathered from his observations that Thursday would suit him, and, if possible, he should have that day, and if not, Monday.

THE O'CONOR DON moved that his Motion be postponed till Thursday.

Motion *agreed to*.

WORMWOOD SCRUBS REGULATION BILL.—[BILL 96.]

(Colonel Lindsay, Mr. Secretary Stanley, Lord Eustace Cecil.)

NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That Mr. Shaw Lefevre be a Member of the Select Committee on the Bill."

SIR CHARLES W. DILKE said, that he was surprised that the Motion should be brought on. No one had been consulted with regard to this matter; and it was without parallel, in so far as he knew, for a Committee to be nominated consisting of three Members from one side and only one from the other. Under these circumstances, he moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Sir Charles W. Dilke.)*

COLONEL LOYD LINDSAY did not know that there was any opposition to the Motion, but it was understood that everyone was agreed.

Motion *agreed to*.

Debate *adjourned till Thursday*.

ORDER OF THE DAY.



SUPPLY—REPORT.

Resolutions [12th May] *reported.*

MAJOR NOLAN, before the Resolutions in Committee of Supply were reported, wished to draw the attention of the House to a matter connected with the Patent Office. A large sum of money was derived from the Patent Office; about five-sixths of the sums paid by the patentees went into the Imperial Exchequer, and about one-sixth was spent on the Patent Office itself. The books in that Office were kept in the most disgraceful state, whereas in America various abridgements of the patents were furnished. There were also good plans and printed books in America by which anyone could see what a patent was about by simply looking through the description and plan. About three years ago, abridgements were started in the Patent Office; but they had now been discontinued, as the form in which they were made rendered them of no use. These were never proper abridgements, and now they were abolished altogether; and if a man went into the Patent Office, he had to wade through a long patent of four or five pages to find out what it was about. That was a most discreditable thing, although it was very true that the Library was good in other respects, excepting that it was too small. There was hardly room in it for the present books and documents, and the whole thing was in a very bad state. He thought the Government ought to take care that proper abridgements were made; he did not insist upon plans as in America, but abridgements were absolutely necessary. The law in this country was somewhat different to that of America; for here a man claimed as being the true and original inventor, which was not the case in America. If proper abridgements and plans were furnished, every person of common sense could find out at once what a patent was about; but, at the present moment, no one could make any investigations without the greatest difficulty. He was constantly told that American machinery and tools were better than those of this country; and, in his opinion, that was owing to the fact

that it was so difficult to find out anything with regard to patents. He thought that better machinery and a better Patent Law went together. Of course, some people might be of opinion that it would be best if the Patent Law were altogether abolished; he did not intend to argue that question; but all that was necessary, in his opinion, was that the Patent Law should be improved. He thought the Government should give some assurance that these matters should be looked into, and that the arrangements of the Patent Office should be put into a more scientific form, so that anyone could make investigations without being put to the great labour which was now entailed.

SIR HENRY SELWIN-IBBETSON said, that the hon. and gallant Gentleman, than whom there was no one better acquainted with patent matters, brought this matter before the Government last year, and he had then promised to endeavour to make some improvement, and to place the Patent Office upon a better footing than existed at that time. Since that period he had sanctioned the appointment of a certain number of clerks in the Patent Office for the purpose of preparing proper indices. From that fact, the hon. and gallant Gentleman would perceive that the Government had every desire to effect an improvement. But he would remind him that everything could not be done at once. He could, however, assure him that the subject was not lost sight of, and that he would himself make inquiries into the question of abridgements and plans, and endeavour to see whether his views could be met. He fully agreed with him that it was of great importance to give every facility for readily ascertaining the existence of a patent, and that a great improvement might be made upon the means for so doing which at present existed.

Resolutions agreed to.

LOCAL GOVERNMENT (IRELAND) PROVISIONAL ORDERS (KILLARNEY, &C.) BILL.

On Motion of Mr. JAMES LOWTHER, Bill to confirm certain Provisional Orders of the Local Government Board for Ireland relating to the towns of Killarney and Parsonstown, ordered to be brought in by JAMES LOWTHER and Mr. ATTORNEY GENERAL FOR IRELAND.

Bill presented, and read the first time. [Bill 178.]

EAST INDIA REVENUE ACCOUNTS.

Ordered, That the several Accounts and Papers which have been presented to this House in this Session of Parliament, relating to the Revenues of India, be referred to the consideration of a Committee of the whole House.—(*Mr. Edward Stanhope.*)

Committee thereupon upon *Thursday* 22nd May.

House adjourned at a quarter
after Two o'clock.

HOUSE OF COMMONS,

Wednesday, 14th May, 1879.

MINUTES.]—SELECT COMMITTEE—*Second Report*—Public Accounts [No. 186].

PUBLIC BILLS—*Ordered*—Salmon Fishery Law Amendment (No. 2) *.

Ordered—*First Reading*—Indian Marine * [182]; Common Law Procedure and Judicature Acts Amendment * [181].

First Reading—Great Seal * [180].

Second Reading—Landlord and Tenant (*Ireland*) (No. 2) [51], *put off*; Local Government Provisional Orders (Axminster Union, &c.) * [154]; Local Government (Highways) Provisional Orders (Buckingham, &c.) * [161].

Third Reading—West India Loans * [167], and *passed*.

ORDER OF THE DAY.

LANDLORD AND TENANT (IRELAND)
(No. 2) BILL.—[BILL 51.]

(*Mr. Downing, Mr. Butt, Mr. Shaw.*)

SECOND READING.

Order for Second Reading read.

MR. SHAW, in rising to move that the Bill be now read a second time, said, he was sure the House would excuse him if he expressed his deep regret that this duty should have now fallen upon him. The death of his esteemed Colleague, Mr. M^cCarthy Downing, and, more recently, of his much-respected Friend and political associate for many years, Mr. Butt, had thrown this very onerous duty upon him. He need hardly say that the death of those Gentlemen had been a great loss to the House; but it had been a much greater loss to the

cause of reform and progress in Ireland. They were both men of great experience. No man was better acquainted with the various questions connected with Land Reform than Mr. Downing; and the practical experience of Mr. Butt, combined with all the higher qualities of statesmanship, enabled him to deal successfully with subjects involving the nice and delicate points connected with property. He felt that, having accepted the duty of introducing this Bill, he should look over the debates that had arisen in recent years upon the subject. Although he had enjoyed a seat in that House for 10 years, and had aided in passing the Land Bill, he had never taken part in any of the great debates upon the question. He had heard every speech that was delivered upon it in the House for some years past; but, still, he considered it his duty to go over all those speeches again, especially those in opposition to the measure, to see what really were the objections to the Bill. The perusal considerably staggered him, for it seemed the English language hardly contained words strong enough to denote the opinions held by Gentlemen opposite. The Bill was, in their opinion, "confiscation"—it was the "destruction of the rights of property," and so on. It was, therefore, not without some trepidation that he re-examined his Bill, bringing to the study a deep sense of duty; and he said, without hesitation, that if it contained any such principles it would not have his name upon it. The Bill was a moderate one, and would tend to strengthen and confirm the stability of the institution of property in Ireland. Those who supported it were taunted with bringing forward a confiscatory Bill—and he thought he remembered hearing from the opposite side the suggestion that they advocated, but did not practise, these principles in favour of the tenants in dealing with their own property in Ireland. That was hardly a fair line of argument; because there might be personal matters, such, for instance, as family settlements—which prevented Gentlemen dealing individually as they might desire, and who, if they were authorized by law, might act in a different manner. But was it a fact that those who advocated the measure disregarded its principles? Mr. Downing offered to his tenants a tenure exactly

upon the lines of the Bill. Mr. D'Arcy, who occupied a seat in the House in the last Parliament, gave to his tenants a tenure upon the same lines. He did not like to speak of himself; but he had held land by purchase in Ireland for the last 25 years, and, he supposed, when he got the ownership he was wanting in some of the grand instincts of landlordism; but one of the first things he did was to tell his tenants that as long as he was their landlord they might hold the land on the same lines as those of the Bill—that was, that they should not be disturbed as long as they paid their rents; that their rents should be fair; and that if they wished to sell they could do so without undue interference on his part. Within six months two parties sold out, one of whom got more than the fee-simple for an expiring lease; and by reason of his adopting the lines of the Bill there was no property in Ireland upon which more money was laid out by the tenants. One of the great problems they had to solve in Ireland was that of improving the tenure of land. There had not been for centuries any man of capacity who looked at this subject, or at the social condition of Ireland generally, who had hesitated for a moment to pronounce the insecurity of the tenure of the land to be at the bottom of all the evils that afflicted that country. This was a question not merely of politics, but one affecting the life and prosperity of the country, and its prompt settlement was worthy of the highest statesmanship. From the time of James I., when the law of tanistry was abolished, from the time in which Sir John Davies had presented his Report, in which he declared that insecurity of tenure was at the root of the Irish difficulty, to that of Sir Robert Peel, who said a short time before his death that if the tenure of land in Ireland were improved, he did not see why it should not become very prosperous, and thence to the more recent utterances of the right hon. Members for Greenwich (Mr. Gladstone) and Birmingham (Mr. John Bright), every man of political capacity who had looked at the subject came to the same conclusion. There was no other country in Europe in which such a system of land tenure existed as prevailed in Ireland. What was really the state of the case? Three-fourths of the people of Ireland

lived by the land—their exclusive business, he might fairly say, being to till the land—and yet their tenure was so uncertain and precarious that they held their means of subsistence absolutely at the will of their landlord. That was a condition of the law which must be inimical to the welfare of the country. It had a most injurious effect alike upon individuals and upon the nation. It accounted, in a great measure, for the people being called unstable and unthrifty. In fact, it was impossible for any individual or any nation to be thrifty when their entire means of living were uncertain and precarious. To be stable a people must have something stable in their surrounding institutions. The contrary was the case, and the unstable character of the holding of land had insinuated itself into the very character of the people. Much of the want of steadiness in high aims and great plans and purposes which had been ascribed to the people of Ireland was due to this cause, and could not be traced to race, religion, climate, or any of those influences to whose account it was sometimes credited. What had been done to remedy this condition of things? A Land Act was passed in 1870—and he, for one, agreed with the right hon. Member for Birmingham (Mr. John Bright) that it was a great and honest measure; but that right hon. Gentleman also said it was imperfect and incomplete. No doubt, it was. It introduced great and important principles; but it did not carry them out to their legitimate end. It partook of the character of all our social legislation in this respect—that a long time was required to mature and carry out any change. When the Bill of 1870 was laid before the country, the effort of the landlords was directed to narrow and confuse its operation; and the consequence was that many of its most beneficent provisions had become inoperative. One very important part of the measure related to the purchase by tenants of their own holdings; but what had come of that? What came of another part applying most vitally to three-fourths of the country? Why, the very moment the clause was adopted, declaring that the tenants had a right to compensation for disturbance, a sliding scale of compensation was adopted that made the clause almost perfectly useless. There was hardly a landlord in Ireland

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whom it would not pay to dispossess his tenants upon that scale; and, for himself, he was bound to say that if he took advantage of it he would make a large amount of money. Now, he desired, by means of his Bill, to meet these drawbacks. He was in hopes up till then that it would obtain a second reading, because no one had put down a Notice of opposition to it till then. He was surprised to find that the opposition came from a Gentleman sitting on the Liberal side of the House; and he could not imagine why he should come forward as the advocate of extreme landlordism in Ireland; because, if the Opposition came into power, they would be bound to deal with the question substantially on the lines of the Bill now before the House. The object of the promoters of the Bill was to do justice to the tenants and landlords; and if there was any appearance of injustice, there was no reason why it could not be removed in Committee. But the principle, he urged, ought to be affirmed. He would not trouble the House by dwelling upon the first two parts of the Bill, because, last year, very little was said against them. In fact, the right hon. and learned Gentleman the Member for Londonderry (Mr. Law), who made an exhaustive speech on the subject, expressing what might be taken as the view of official Liberalism, stated that the first two parts contained little that was objectionable, and it was against the third part that he directed his heavy artillery. To the third part he should, therefore, now briefly direct attention. This part gave the tenants of Ireland the power of getting security of tenure. He did not use the word "fixity," because it might give rise to misunderstanding; and, in fact, they could not fix the tenantry of a particular district therein and secure that they should remain there permanently. The only thing that could be done was to secure to them a reasonable amount of security, as far as that could be done consistently with natural laws that must work in the case of the Irish tenant as well as with regard to every other class of the community. He proposed to give to the tenantry of Ireland, without excluding any class, the power of securing themselves in the occupation of their holdings without being subject to having their property confiscated by an unreasonable advance of rent, and to

give them the power, in case of good fortune, of raising them above their position, or, in case of evil fortune, casting them beneath it, to get the full value of their holdings from an incoming tenant. It struck him that no more reasonable principles than these could be placed before reasonable men. There was nothing in them unjust, unfair, or against the rights of property. In fact, it would be in favour of the rights of property, if these principles were carried out. What the Bill proposed was the adoption, as far as possible, of the original tenant right of Ulster, and its application to the whole of Ireland. He was quite aware that the tenant right of Ulster had been modified, and that in some cases efforts had been made to efface it; but history and their own experience left no doubt as to what that principle and rule really were. The Ulster custom was really the key by which the problem of the land in Ireland could be solved; and they had this advantage—that in using it they were not disturbing the feelings and habits of the people, because—he said it without doubt or hesitation, and he had a knowledge of the South and West of Ireland—he found throughout the country the feeling on the part of the tenant that he had a right to the value of his holdings. What was more natural? The practice was not understood in England, though the history of the English laws disclosed it, showing that in England the same practice existed as in the North of Ireland. When the Romans left England, they did not efface from the customs of the people the influence of Roman law, and the Roman law gave the right of inheritable tenancy. Continuous tenancy, and copyhold, and other forms of tenancy throughout England, were the remains of this law. No doubt, an immense effort was made to get rid of this in times of high prices, and land in England was let just as a house would be furnished and let, or a ship equipped and sent out to sea. But in Ireland the people did not get their fences and drains provided. In the times of James I. the people got their land on the condition that they would reclaim it, and continuous tenancy was one of the fundamental conditions of their holding. Insensibly, and as a matter of course, the same principle spread through the whole of Ireland.

Upon two large estates bounding his own he found this principle in force, and the tenants were hardly ever evicted except for some gross non-payment of rent; while they either received compensation, or were allowed to sell their holdings. A man in Ireland had no real and substantial interest for improving the soil. The terror was kept over him that some day or other, by a change in the law or in the family of the owners of the land, or from some other circumstances, the land on which he and his fathers had lived, and around which every feeling of home centred, might be rendered so uncomfortable to him as to compel him to seek a home elsewhere. Was that a sound principle on which to found the prosperity of a country? It was, in fact, treating the country unjustly and landlordism unjustly. Landlordism ought to be above the littleness of dreading every movement in legislation as something which might swallow up and destroy it. Was the position of the owners of the land so weak that they dreaded to give a man a real hold upon his own property, lest the property of the landlord in the soil should be destroyed? He believed that if the prayer of this Bill were granted, it would do more to strengthen the hold of property and increase the feeling of respect and goodwill between landlords and tenants than any other measure that could possibly be devised. In the discussion the other night about the Law of Distress, the Attorney General for Ireland pointed out that there was no such clause in this Bill; and the reason that much stress was not laid in Ireland upon the Law of Distress was, that there was no landlord who did not feel that there was between himself and the loss of his rent a great deal of property to fall back upon. He knew a case where four years' rent was due, and the landlord, instead of distraining, referred the question of the right of parties to two persons, who decided that he ought to give the family of the tenant as much as would take them to America. That was done, and the landlord had not had possession of the land for a week before he was offered for it a sum equal to 5 per cent advance on the rent and outlay. The principles of this Bill were such that no man of common sense, dealing with his own tenants, would ever question their justice, and no Legislature could do more

for the pacification of Ireland than by passing this Bill. If something was not done, the difficulty would arise of getting tenants to take the land. Why should people, when rich land was waiting for them in other parts of the world, remain in Ireland in a state of serfdom? If hon. Members valued the stability and prosperity of the country, and wished to settle a great question which was ripe for settlement, and which could now be settled rationally and effectively, let them pass the second reading of this Bill, and make in Committee such Amendments as were considered necessary.

MR. O'SHAUGHNESSY seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Shaw.*)

SIR SYDNEY WATERLOW, in rising to move, as an Amendment, that the Bill be read a second time that day six months, said, the hon. Member for the County of Cork had expressed his surprise at opposition to the Bill coming from that (the Liberal) side of the House. He wished to explain that he had put his Motion for its rejection upon the Paper as the representative of the Irish Society and speaking for a large number of the Companies of the City of London interested in land in Ulster, who considered that the Bill materially interfered with their rights. The hon. Member had treated the question as if the provisions of the Land Bill had not passed, and were not in operation; as if the tenants of Ireland had not now the right to obtain compensation for their improvements and for disturbance in their holdings. He (Sir Sydney Waterlow) was not there to object to these provisions. The Land Bill had been of the greatest advantage, not only to the Province of Ulster, but to the whole of Ireland; and what he said was that they should not make any further change in the relations between landlord and tenant in Ireland till they had further experience of the working of the Irish Land Act. No one could say that the Land Courts of Ireland had not fairly and fully considered the claims that had come before them for improvements to the land in the shape of buildings, drainage, &c. He should be glad to see the Ulster custom extended to the South and West

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of Ireland, subject to the same kind of restrictions as existed in Ulster. But Clause 18 was in every respect unjust. It provided that no tenant should be disentitled to obtain compensation under the 3rd clause of the Land Act on the ground that he was evicted by the landlord on account of the persistent exercise of any right from which he was debarred by express or implied agreement with his landlord. What was that but a premium to the tenant to break the stipulations made with his landlord? There was a provision in the Bill that under-tenants should be entitled to compensation for disturbance, and to that he saw no objection. But the Bill did not stop at such provisions. It repealed the provisions of the Land Act by which tenants and their landlords, in cases of tenancies over £50 a-year, could contract themselves out of the provisions of the Land Act; and, in so doing, it directly assailed the liberty of contract. It might be to the interest of the tenant to get his land at a low rent and upon a long lease, giving up as a consideration certain claims, and the House would pause before it said such things should not be done. The hon. Member had spoken of the future prosperity of Ireland under this Bill should it be passed into law; but he (Sir Sydney Waterlow) believed it would create much disturbance between landlords and tenants, and would not tend to increase amity and concord or promote those good feelings which were so desirable in that country. The position of Irish tenants was superior to that of English or Scotch tenants. If they wanted thrift in the tenants of Ireland, they must look for its encouragement in another quarter than in any further alteration in the tenure of land. As to the Ulster custom, which was now sought to be extended, when the tenants in Ulster first took the land they had to take it bare, owing to the peculiar circumstances under which it was confiscated and handed over to the Livery Companies in consideration for money advanced. The tenants had to do the work of reclamation, and thus acquired the right to compensation for their expenditure. In conclusion, he would say let the question alone for a time, and until they knew more of the working of the Act of 1870. He begged to move the Amendment of which he had given Notice.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(Sir Sydney Waterlow.)

Question proposed, "That the word 'now' stand part of the Question."

SIR JOSEPH M'KENNA said, he had seldom heard a speech which went so short a way as that of the last speaker to justify an Amendment for the rejection of a Bill.

MR. SPEAKER said, he had not understood the hon. Gentleman the Member for Maidstone to move his Amendment.

SIR SYDNEY WATERLOW intimated that he did move it.

SIR JOSEPH M'KENNA regretted that the hon. Gentleman had not taken advantage of the *locus penitentie* he had carved out for himself, and that he had not abstained from moving the Amendment. Such a course would not only have obviated the necessity for his (Sir Joseph M'Kenna's) remarks, but would have conduced more to the respect they all desired to entertain for the Companies which the hon. Gentleman represented on that occasion. He (Sir Joseph M'Kenna) denied that the tenant right custom of Ulster had arisen from the action of the London Companies who held land in Ulster, but attributed it to the exigencies of the condition in which those Companies found themselves when they received the gift of land from the Crown. Then it was that the tenant right custom arose in Ulster; and why it was continued in Ulster alone had been sufficiently stated, 25 years ago, by an orator who gave as the reason of the custom that the tenants were Protestants, with arms in their hands. The hon. Member, although he had referred to two clauses, had taken exception only to the manner in which one of them would affect the Companies. He represented that the Companies would be most injuriously affected by Clause 18 of this Bill, although he admitted the Land Act of 1870 had done them no harm, but much good. The system of tenant right had not been established by, but was submitted to by, the Ulster Companies. It was rather commencing at the wrong end to have allowed these London Companies to retain the fee-simple of land in Ireland, while the Church lands were

sold out. It was not such a long step to apply the principle of mortmain to those Companies, and to disestablish them. Such a measure would not in the slightest degree do violence to anyone's feelings, for there was no sacred halo about them, such as there was about an ecclesiastical institution. The hon. Member's apprehensions as to the effect of Clause 18 of this Bill were not justified. The Land Act of the right hon. Gentleman the Member for Greenwich constituted the Chairman of a county a Judge in the Local Land Court, and gave him the power of taking all the circumstances of an eviction into consideration, and making his assessment. Now, Clause 18 of this Bill, which the hon. Gentleman had specifically objected to, simply declared that no tenant should be disentitled to obtain compensation under Section 3 of the Land Act, on the ground that he had been evicted by the landlord on account of the persistent exercise of any right from which he was debarred by private agreement with his landlord. The principle of that part of the clause was strictly in accordance with the principle of the Land Act, because there were tenancies recognized in the Land Act with respect to which the tenant could not contract himself out of the benefit of the Act. There was no intention to interfere with the right of private contracts, except under equitable circumstances; and there was a Proviso to the effect that nothing therein contained should prevent the Chairman, when assessing the compensation, from taking into consideration the conduct of the tenant, and all the circumstances attending the agreement. If, therefore, there was anything in the circumstances under which the tenant was made to contract himself out of the benefit of the Act, those circumstances should be taken into account, and full compensation, where equitable, should be allowed to the landlord on that account. He had expected that the Bill would have been allowed to be read a second time. He did not pretend that there were not clauses—though he did not think there were many—to which reasonable exception might not be taken in Committee; but the very last quarter from which he should have expected opposition was the London Companies. He considered their position as Irish

landlords was an anachronism; he should like to see such anomalies got rid of by the sale of the land of those Companies to the highest bidders. If that were done, the Companies would get a full return for their so-called investment, and Ireland would get rid of the joint-stock landlordism which certainly did not recommend itself to his mind. If the City Companies chose to be represented in that House as opponents of legislation for Ireland, which Irish Members considered advisable, it was probable that they would shortly have to defend their own interests in another fashion.

COLONEL COLTHURST took note of the admission of the Mover of the Amendment that the Companies did not object to the extension of the Ulster tenant right to the rest of Ireland, and declared that the advocates of the Bill sought nothing more than that. That Ulster custom was admitted to contain certain principles. In the first place, the tenant had a right to continue in the occupation of his holding so long as he paid a fair rent for it, and if the landlord chose to disturb him, he must pay the full market value of such holding to his tenant; and that, in most parts of Ulster where the tenant right had not been taken away, meant something like 25 years' purchase. In the second place, the Ulster custom conferred on the tenant the privilege of holding at the fair customary rent of the neighbourhood—a rent, no doubt, which was subject to being raised by an increase in the price of corn, or by other circumstances, independent of improvements made by the tenant or his predecessors in the farm. The tenants of Ulster had the right of continuous occupation at fair rents and of a fair right of sale; and there was abundant evidence to show that the condition of the tenantry of Ulster was far superior to that of the tenantry of any other part of Ireland. He knew that one objection had been raised, which might be repeated again, to the effect that, while tenant right was all very well for Ulster, the people of Ulster were different in race and religion from the people of the rest of Ireland; but in Donegal, in part of the County Down, and in other portions of the Province, four-fifths of the occupying tenants were Celtic and Catholic, so that that objec-

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tion did not hold good. The rents in Ulster were confessedly better paid than in any other part of Ireland; arrears were unknown, and, according to evidence of great weight, the rents were often higher, or as high, as in any other portion of the country. It was also said that if they granted perpetuity of tenure to the tenants, they would deprive the landlord of any real interest in his property, and cause him to be non-resident, and to care nothing about the welfare of the tenants. But he would appeal to any hon. Member who was acquainted with the facts, whether the landlords of Ulster were less solicitous about their property or their tenants than other landlords? The Ulster landlords took a deep interest in their property and in their tenants, and there were less non-residents in Ulster than in any part of the country. He should not have troubled the House, but for the fact that that he happened to represent one of the largest constituencies in Ireland—a constituency composed almost exclusively of tenant farmers—and in speaking as he had done he not only gave expression to the views of those whom he represented, but gave utterance to the opinions which he held conscientiously himself. He felt he could not better conclude than with the words of the late Lord Chief Justice Whiteside, who, travelling in Italy, and observing the prosperity that was caused by the existence of a peasant proprietary in the North of Italy, and seeing the same effects produced by the same cause in Ulster—because he (Colonel Colthurst) maintained that the Ulster tenant right virtually gave the tenantry the proprietorship of the land—said—

“If these principles are productive of so much benefit to Ulster, they should be fearlessly extended to the rest of Ireland.”

MR. O'SHAUGHNESSY said, that, after the admission of the Mover of the Amendment that he would gladly see the Ulster custom extended to the rest of Ireland, the supporters of the Bill might logically claim that hon. Gentleman's vote. He ventured to say that if the House would accept a measure embodying the main features of the custom, his hon. Friend the Member for Cork would waive all the subsidiary provisions of his Bill. The opposition given by the Government was of a different character.

The Irish tenants were to be congratulated on the fluent candour with which the Government had hitherto met the demand for reform of the law of landlord and tenant. They had been told, over and over again, that not only would fixity of tenure be refused, but that the Land Act had gone too far, and that it should not be extended beyond its present scope. That was an honest answer to a plain question on which the fate of the Irish nation depended. They knew from the mouth of Ministers that as long as they were in power nothing would be done to alter the relations of landlord and tenant. It had come very opportunely with a General Election not remote, and some very interesting contests going on. The Tories tolerated among them one Irish Member, the hon. and gallant Member for Sligo (Colonel King-Harman), of whom he wished to speak with great respect, who gave an annual vote in favour of the Irish Land Bill; but he was tolerated, because it was felt that his vote was a perfectly harmless vote, and that as long as he and a dozen other Irish Conservative Tenant Right Members, if there were so many, gave what was called an independent support to the Tory Government, by which was really meant a general support, independent of, and reckless of, the conduct of the Government on the Land Question, the Irish tenant had as little chance of obtaining any improvement in the condition of his tenancy from the present Government as he had of obtaining the fee-simple of his farm. The Bill would, no doubt, be rejected in the old way without the faintest hope that any amendment of the law would be considered. They knew what to expect. The bare idea of an inquiry into the working of the Land Act was summarily rejected by the Government last year. It was not merely that the Government refused to deal with the case. It steadily shut its eyes and refused to open them, and would not look at the case. The Chief Secretary for Ireland had on a late occasion, speaking in his official capacity, given his reasons. The right hon. Member for Birmingham (Mr. John Bright) had taxed him with speaking contemptuously of the Land Act. “No,” said the Chief Secretary, in his blindest tones, “I did not speak contemptuously of it. I say it is a bad Act.” It was

dislike, and not contempt, that he felt to the tendency of the Land Act. Of course, he would endeavour to prevent the extension of the principles of that Statute. All that he could bring himself to say was that he would not wish vested interests that had grown up to be interfered with—whatever that ingenious sentiment meant, if it meant anything, and it did not. The Conservatives were capable of holding out expectations on Irish questions. They could allow false hopes to be created about the question of Irish University Education, and then, at the right moment, solemnly disclaim all connection with negotiations on that delicate topic. They could allow an Irish Registration Bill to reach a second reading—one of those cheap second readings which cost the Government so little that they might well be called penny readings. When the graceful comedy of a second reading was concluded, the right hon. and gallant Member for Dublin (Colonel Taylor)—that profound statesman who thought so much and spoke so little—or some Irish Conservative, would go about and find some congenial spirit to put down a Notice of opposition, and stay the further progress of the measure, and then the right hon. and gallant Member would feel his patriotic soul satisfied, and repose peacefully on the Treasury Bench. But on this question of the relation of landlord and tenant in Ireland the answer of Her Majesty's Government, and the furtherance of every Irish Member who gave them general support, was a genuine cry of "No surrender." And what was this measure that caused so much opposition? It merely endeavoured to extend to the rest of Ireland the principles of the custom under which the tenantry of Ulster had become a prosperous, contented, and industrious people. That proposal involved nothing novel or revolutionary. The custom had existed for ages without the form of law. The Land Act had turned that into law, giving an unsupported usage, unrecognized in the Courts, the validity of a legal usage, and consecrating it by statutory authority. There, indeed, was a novelty; but if it was a novelty it was a precedent also, and a wise one. The custom entitled the tenant to remain in possession as long as he paid a reasonable rent, and to assign to a good solvent tenant.

These rights given to the rest of Ireland would solve the question. They would not diminish the landlord's security for his rent, or his right to increase it within reasonable limits. They would not take away his power of insisting that his land should be well cultivated and kept in solvent and respectable hands. They would only prevent bad landlords from doing the very thing for which all good landlords condemned them. Good landlords would continue in their present wise and honourable course, and he fully admitted that they were the majority of landlords. It was said that various plans for the valuation of rent, suggested by advocates of tenant right, were unfair. He ventured to think that if the right to continuous occupation were made law, questions of valuation of rent would not often arise. But if they did, he thought his hon. Friend the Member for Cork was not wedded to any particular form of valuation tribunal, and he need not feel himself so wedded. Any fairly constituted tribunal would be accepted, provided it did not make competition the exclusive criterion of a fair rent. It was perfectly well known that undue competition had raised land far above its agricultural value in Ireland. Competition for land in Ireland was an unhealthy competition. It was mainly caused by this fact—the Irish tenant was afraid, on account of the insecurity of his tenure, to put money into land for its perfect cultivation; but having no use for his money in that direction, he invested it extravagantly in obtaining the possession of land whereon to live. Thus cultivation suffered. A good landlord never regarded competition as the real test in the choice of a tenant. He knew that a competition rent would not leave a proper margin for the support of the tenant, the due cultivation of a farm, and the remuneration of the tenant's expenditure and labour. Therefore, the landlord protested against competition being looked on as an exclusive test of the value of land in Ireland. With regard to sub-letting and sub-division, which he admitted led to evils, strong clauses in leases and agreements would effectually prevent them, as they did under the existing law, according to the experience of Irish lawyers. The hon. Member for Maidstone (Sir Sydney Waterlow) objected to this Bill because it would leave a possibility of contention

constantly hanging over the heads of the landlords and tenants. There was a simple way of dealing with the question which would involve no necessity for contention or litigation. Take the main features of the Ulster custom—the right of continuous occupation, the liability to a reasonable rent, and the right of free sale to an approved assignee; enact that these conditions should attach generally to all farm tenancies, and then give the landlord every security against the dishonest tenant. If this seemed too revolutionary at this moment, let them take up the Land Act and inquire by the light of these past nine years how far its objects, even if fully attained, fell short of the necessities of the country. He did not expect any hopeful answer from Her Majesty's Government; and even if a hopeful answer were given, experience had taught them not to expect any practical reason of improvement in consequence of it. As for the Members of the Opposition, they should remember that experience had taught them that it was only by the Irish vote they could hope to achieve or retain power; and that vote they could not get unless they dealt fairly or wisely with the Land Question, which was not very important to the Irish tenant, but was the principal key to the gaining of Home Rule; because it was only when the English Parliament had disposed of the pretensions of Irish landlords that the latter would be induced to withdraw their opposition to an Irish Parliament, which they knew would soon dispose of those pretensions, and it might be that, like other great questions, it could only be solved by successive alterations of the law; but those alterations must be substantial and progressive. They must remove the insecurity of the tenant. He would not speak in the spirit of a menace, because it was not by menace, nor the ingenious manipulation of the English Party, but by the justice and moderation of their claim that the Irish tenant would succeed. They felt grateful for the attempt latterly made to create a peasant proprietary; but the creation of a peasant proprietary on the occasion of a few sales in the Landed Estates Court was no solution of the Land Question. The overwhelming majority of the tenants had no hope, and no possibility, of becoming proprietors. What they wanted was to be allowed to cultivate the land of their

birth which they held as tenants, and could only hold as tenants in security. Let the right hon. Members for Greenwich and Birmingham address their minds to the great problem, and finish the work they had begun. When they returned to it, they would find their efforts sustained and seconded not by an Irish Whig contingent, as in former days, now gone for ever, but by an independent Irish Party.

MR. ALDERMAN COTTON opposed the second reading of the Bill, contending that it was an exceedingly dangerous course to pursue, and one contrary to all the principles of political economy, that the landlords should be compelled by Acts of Parliament, by insidious degrees, to increase the powers of the tenant over the landlord. A landlord was surely as important as a trader; and what would the traders say if Parliament stepped in and said they were making too much profit, and must hand a portion of their profits over to somebody else? He was quite sure that hon. Members opposite would most indignantly oppose such a measure as that. He doubted the wisdom of at all times holding up the tenant as an injured individual; and he could not see why, in this matter, there had been one law for Ireland and another for England, the right of tenancy being the same in both countries. He believed that the consequence of passing such a Bill as this would be that the landlords would be afraid to let their land to anybody. It would be much better, in that case, for the landlord to work the land himself, because he could then do as he liked by it; whereas, if he passed it to a tenant, there would always be the risk that the tenant, availing himself of his novel rights, might take away the land from the landlord, and thus deprive him of his own freehold. The agitation on which they had embarked was a very serious matter, for it was calculated to interfere very materially with the prospects of their country and to raise false hopes. He hoped the House would not assent to the Bill. The Land Act of 1870 had been productive of great advantage to the tenants of Ireland, and the Irish Party might well be content to leave that Act to work for some 14 or 21 years before they disturbed it; and when further legislation was found necessary, then it should be proposed in a well-

digested measure on the responsibility of a Government.

LORD FRANCIS CONYNGBAM said, he felt great difficulty in speaking on this subject to-day, because last year his name was upon the back of a Bill which was almost identically the same as the measure which was now before the House. Since last year he had lost—and the Home Rule Party had lost—one of their best friends and most kind advisers by the death of Mr. Butt. During the existence of the present Parliament death had been very heavy on the little Home Rule Party; for since this Parliament had been returned, the Home Rule Party had lost more men than any other Party. He should not have said anything at all to-day, had it not been for the speech of the hon. Gentleman the Member for the City of London (Mr. Alderman Cotton); and he must say that it appeared to him that a great many hon. Members sitting on the opposite side of the House, and also a great many hon. Gentlemen sitting above the Gangway upon that side of the House, knew very little about Irish affairs with regard to the Land Question. His own opinion on the question remained unchanged; and in the full belief that his Party did represent some portion of the territorial land in Ireland, he could assure those hon. Members whose speeches gave evidence of their want of knowledge on the subject of Irish land, that he was not afraid of any good Bill to increase the facilities for purchase by tenants in cases where estates were brought into the Landed Estates Court, or of anything in the direction of security of tenure. He knew very well what would be the result of this Bill. It was then nearly half-past 2 o'clock, and in the course of two hours there would be a tremendous number of hon. Members who would come down and, to use a vulgar expression, sit upon the Irish Members, and would then go home perfectly satisfied with having done so. They had lost one of their ablest men lately, and he was amused to see it stated in the newspapers that the Irish Party were fast breaking up; but he could assure the House that they need not be in the least afraid of that event. There was still an Irish Party who were determined that the Irish Land Question should be settled, and who would settle it.

Mr. Alderman Cotton

MR. JOHN GEORGE MACCARTHY said, the Irish Members had to thank the hon. Member for the City of London (Mr. Alderman Cotton) for having broken the long silence of the Governmental Benches. It illustrated one of the difficulties of Irish Members, who believed in the justice of their cause, and in the ultimate triumph of justice in that House, that speeches so able and so convincing as those of both the hon. Members for Cork County should have been addressed to almost empty Benches. In theory, a legislator was supposed to be one who calmly considered opposing pleadings, and recorded his vote, or delivered his speech, as the result of such consideration. But the fact sadly differed from the theory. Every new proposal had to be pleaded for to an almost vacant House, and was decided on by hon. Gentlemen who did not even hear what had been said about it. The hon. Gentleman the Member for the City of London had at least given the advocates for the Irish tenant a fair hearing, and had frankly and courteously expressed his own views respecting their proposal. The hon. Member had also conferred on them the favour of illustrating in his own person the extreme difficulty under which English Members laboured in dealing with the internal affairs of a country on whose soil, perhaps, they had never stood. The hon. Member was a poet, and had enriched their literature with some imaginative productions. Let him be assured that in the boldest flights of his muse he never more completely left the solid ground of fact than in his conception of the mutual relations of Irish landlords and tenants. He said that they were substantially identical with such relations as they existed in England; and he pictured the happy Irish tenant whose peace was disturbed only by those who injudiciously desired to benefit his condition. But, in reality, no human position could be less like another than that of the sturdy English tenant entering into an equal bargain with his landlord, and the Irish agriculturist who, in the vast majority of cases, must accept whatever terms his landlord offered. As a rule, Irish tenants were not voluntary contractors. The terms they accepted and the tenure that prevailed had been well described as a collection of terms imposed by the strong upon the weak. Those terms were

sometimes just and sometimes unjust; they were sometimes harshly enforced; but they were far more generally allowed to lie unused. They were all open to this fatal objection—that they rendered the man who tilled the soil uncertain as to whether or not he should enjoy the results of his labours. The hon. Member for the City of London considered that it would be a violation of the principles of political economy to give the tenant security of tenure. But perhaps the hon. Member knew more of poetry than of political economy. He (Mr. MacCarthy) ventured to ask what principle of political economy sanctioned the practice of compelling nearly the whole agriculture of the country to be conducted by men who were absolutely insecure as to the duration and the terms of their occupancy? On the contrary, if there were one doctrine of political economy more clearly established than another it was that, unless in the purely special and exceptional case of farms fully equipped and requiring no outlay, such insecurity of tenure was a wrong to the tenant, an injury to the landlord, a fatal hindrance to agriculture, a fearful peril to the State. Indeed, the first principle of political economy was the right of the producer to the product, the certainty that he who sowed should reap. But, as a general rule, that principle could only be carried out by providing some reasonable duration of occupancy on fair terms. The reason why no one improved in barbarous countries was that no one was certain of the duration of his tenure. In insisting on precariousness of tenure, they defended barbarism, and sought to revert to barbaric precedents. Of all arts, agriculture most required time. The agriculture that thought only of next year was the agriculture of the savage. Real agriculture sacrificed the present to the future—the immediate petty gain to the large ultimate advantage. It was the product not of the land but of the farm, and the farm was created only by labour that looked years ahead for its reward. To ripen the sower's richest harvest, it was not only one summer that was required, but many summers. A proper succession of crops and a higher state of cultivation were becoming every day more and more necessary to the successful prosecution of agriculture. Hence, to deprive the agriculturist of a reason-

able certainty of continuous occupancy was either to paralyze his industry or to submit its results to confiscation—in either case, to violate the fundamental principles of public policy. Edmund Burke said—

“Confine a tenant to temporary possession, and you cut off that laudable avarice which every wise State cherishes as a first principle of its greatness.”

Those views had had the sanction of Parliament itself. The Land Act was passed to obtain for the Irish tenant some fair chance of continuous occupancy, and some reasonable security for the results of his labours. Their complaint that day was that the object of the Legislature had not been attained, and that three-fourths of the tenants of Ireland were still in a barbarous state of uncertainty as to the duration of their tenure, and as to the security for the results of their industry. The right hon. Gentleman the Member for Greenwich, in introducing the Land Act, spoke in his own eloquent way of notices to quit falling like snow-flakes over the land. Those cold and bitter snowflakes still, too often, chilled the peasants' hearts and ruined the peasants' homes. In the three years before the Land Act the number of ejectments brought on notice to quit in Ireland was 4,253. In the three years subsequent to the Land Act the number of ejectments was 5,641, thus showing an increase of 1,388. In the three subsequent years 8,439 such notices were served. There were no more recent Returns; but, taking the average, 20,000 such ejectments had taken place since the right hon. Member for Greenwich made his great effort to stay them. Every holding might be supposed to represent a home, and every home an average of five persons. Thus, if that calculation be approximately correct, a population as large as that of the City of Cork—men, women, and children—must have been capriciously evicted from their homes under the operation of the Land Act of 1870. Other demonstrations of insecurity abounded. Everyone familiar with the agricultural affairs of the country knew that any experienced landlord going properly about it could still evict his tenants at will, and, instead of losing, make money by the transaction. That they did not do so was due to their own sense of justice. It was not due to any

protection afforded to the tenant by the laws of the country. Now, he (Mr. MacCarthy) asked how could agriculture thrive under such circumstances? How could land be otherwise than depreciated in value? How could the country be otherwise than impoverished? It should be borne in mind, also, that Irish agriculturists had to contend with American agriculturists to an extent hitherto unknown. An able writer in a recent number of *Macmillan's Magazine* had shown that the importation of foreign breadstuffs into the United Kingdom had risen from 58,000,000 in 1857, to 160,000,000 in 1877. A still more able writer, in a more recent number—Mr. A. J. Wilson—whose statesmanlike papers had obtained such well-deserved attention, had shown that while it cost 48s. to produce a quarter of wheat in these Islands, an equal quantity of American wheat could be delivered in Liverpool for 37s. Surely, in the face of such facts, the Legislature ought to give the Irish farmer a chance for his life. It could not really serve the landlord; it could not really serve the State—to compel the Irish farmer to meet such competition on terms obviously unfair. Of course, those pleadings would fail that day; but the principles they advocated would some day be accepted. It was characteristic of that House to resist improvements at first, then to repent the unwise resistance, and then to carry triumphantly the very measures that had been resisted. The hon. Member for Longford (Mr. Justin M'Carthy), whose accession to that House gave so much pleasure to Members of all sections, in his valuable and brilliant history of our own times, had given some curious instances of that. Thus he told how the great philosophical historian, Mr. Grote, brought forward, year after year, his Motion for the Ballot; and how, year after year, the Motion was scornfully rejected by vast majorities, and confuted by brilliant speeches. But, as now appeared, the vast majorities were all wrong, and the brilliant speeches were all moonshine. The same historian told how, when the Motion for penny postage was introduced here, it was denounced by the then Postmaster General as being of "all wild and extravagant schemes the wildest and most extravagant." They would hear by-and-bye their proposals denounced in

language not less strong, and with no greater reason. Parliament was incessantly making such mistakes, and incessantly appearing on the stool of repentance for having made them. This was a subject too serious to render mistakes innocent; it concerned the homes of the people; it concerned the only really great industry of the country—its agriculture; it concerned every man in the country, for every class was more or less dependent on the agricultural class. It concerned the interests and the honour of the Empire; for surely it would be neither conducive to the honour or the interests of the Empire to insist on managing Irish affairs, and then to mismanage them so signally as to render the homes of the people insecure, to retard its agriculture, to hinder its improvement, to depreciate the value of its landed property, and to leave the condition of the Irish agriculturist a reproach to the civilization of the world.

COLONEL TOTTENHAM, as an owner of land, ventured to make a few observations on the Bill. The first and second parts of it were of minor importance, and he had no serious objection to them; but on the third part of the Bill he found himself at issue with the hon. Gentleman who had introduced the measure. He believed that in the interests alike of landlord and tenant that which was called fixity of tenure in Ireland would be, to a great extent, prejudicial. It would not only strain the relations of landlord and tenant to a very considerable degree, but it would deprive the landlord and the estate generally of the control which was of the greatest possible benefit to the tenant. He did not wish to enter on the merits or demerits of the Land Act. He believed it had given to the tenants a valuable interest in the land which they had not possessed before; and it had given them a security which he did not grudge them, and which must tend to their benefit. But if there was any disadvantage in the Land Act, it was the withdrawal of some of the control which the landlord formerly exercised in the choice of his tenants, and in the management of his estate. He knew, from his own experience, that if he had assented to all the applications made to him by his tenants to be allowed to dispose of their holdings it would not have been for their benefit. A case of the kind had occurred recently.

Mr. John George MacCarthy

He did not know whether he was called a bad landlord or a good one; but during the seven or eight years he had been connected with the management of his estate he had never had occasion to change a tenant, and his object had been always to retain them. Well, an old tenant, nearly 80 years of age, came to him, saying he was worn out, and wanted to sell his interest in the holding to a successor, whereby he could get £40 or £50 ready money. He, however, made inquiries, and found that the old man's son had for years been earning and paying the rent of the farm, and that the old man, having quarrelled with him, wished to disinherit him by getting the ready money, and, when that was spent, going into the workhouse. Was that the sort of tenant right they were anxious to encourage? Another case of a very similar kind had recently occurred; but in both instances he refused his consent, which he could not have done if the provisions of this Bill had been in force, and then the parties would have been ruined. He should, therefore, oppose the second reading of the Bill.

MR. JUSTIN M'CARTHY said, he did not intend to go into the general question, or into the principles involved in this debate. All that had been admirably done by some of his hon. Friends; but there were one or two points in the debate to which he wished briefly to refer. The hon. and gallant Member for New Ross (Colonel Tottenham) had pointed out cases in which the exercise of proprietary right might be perverted by malign or worthless persons, so as to inflict injury; but it would be impossible to furnish any system or law which would prevent a bad father from being bad, or put a stop to evils of various kinds being brought about by ungrateful or unworthy men. As an abstract statement, he was quite willing to admit that it might occasionally be for people's benefit if they were prevented from exercising their full legal rights; but that was not an argument for refusing to recognize men's common rights altogether. He must express his surprise and regret that the opposition to the Bill should have come directly from a Member of the Liberal Party, to which he (Mr. Justin M'Carthy) had long had the honour of belonging. It appeared to him a strange fatality that it should so often

happen that the work of hon. Gentlemen on the Ministerial Benches should be performed for them by hon. Gentlemen sitting on the Opposition side of the House, and that some Member of the Liberal Party was so often willing to relieve hon. Gentlemen opposite of responsibility, and perform an obnoxious task for them. Everyone who knew the hon. Baronet the Member for Maidstone (Sir Sydney Waterlow) knew perfectly well that he had none but high and proper motives for what he did. Still, there seemed a certain simplicity in the explanation the hon. Baronet gave of the course he was about to take. He explained that he opposed the Bill in the interests of the Irish Society. Now, that Society, however well it might have managed its affairs in recent generations, only began to occupy Irish lands by virtue of conquest and of confiscation; and if the hon. Baronet had thought less of the Irish Society and more of the Irish people, he would have seen there was good reason for withholding his opposition to this measure. But the hon. Baronet objected to the Bill, on the ground that it put a stop to the power of landlord and tenant to contract themselves out of the clauses of the existing Act; and he asked why that power should be taken away from them? Now, if there was any course more dangerous than another, or more calculated to produce evil results, it was, first of all, for the general convenience of the people to lay down general rules restricting the power to do certain things, and then to give permission to individuals to contract themselves out of such legislation. Such an arrangement had, undoubtedly, acted so as to mar the good effect which existing legislation on the subject of Irish land tenure might otherwise produce. What would happen if, in regard to our factory legislation, and our legislation relating to shipping and merchant seamen, we were so to enforce the rights of individuals as to allow any two persons, employer, and employed, to contract themselves out of the Acts of Parliament? The hon. Member opposite had carried them back to the earliest days of this controversy by raising the broad, general question as to the right to limit in any way, by Parliamentary legislation, the rights of employers and landlords. Existing legislation, however, had completely disposed of that view

of the matter; and it would seem like a superfluous travelling back to the dark ages of the controversy, if they were to begin again to demonstrate that the public interests, when occasion required, must be held superior to individual rights. They had been asked if the trading or manufacturing class would endure any Parliamentary limitation of the profits of their trade? But the greater part of our factory legislation had actually had the effect of interfering with the full exaction of profits of trade. The existing legislation in regard to Irish land, and even this Bill itself, did not go so far in that direction as the measures affecting factories and trades. The Bill before the House only acknowledged the general principle of the laws of this country—namely, that the interests of the State were superior to any real or supposed private rights. The supposed sanctity of private territorial rights had gone with the days of feudalism, and all the other vanished institutions and customs which were once believed to be immutable and eternal.

Mr. WHEELHOUSE said, it had been stated there was something widely different between the position of an English landlord and tenant and an Irish landlord and tenant, and the only ground on which that statement was based was that in England they generally spoke of landlords as a rich body of men, the tenants also being extremely well off; whereas in Ireland the landlords were well-to-do, but the tenants were supposed to be in a much worse condition than the English tenants. Without stopping at this moment to inquire how far this statement would bear investigation, surely that could not be a ground for alleging there ought to be any difference between the general relations of the two, whether it was on this side of the Channel or the other. Any such idea would be entirely at variance not merely with the views upon the matter in England, but with every sound principle of possessory rights anywhere. He did not know upon what grounds the statement was based, that the English people knew nothing of the feeling of Irishmen with regard to their territorial rights. Allegations of that kind were most easily made—wholesale statements, if he might so call them. Without wishing to impute wrong to anyone, it was perfectly easy to make such assertions, either in

this House or elsewhere; but he ventured to think, with all due respect to those who made them, there was no ground for such allegations. For years they had had their own tenants in England exactly in the same position as the Irish tenant, with this exception—that the tenant in Ireland, even before the Irish Land Act was passed, had better terms compulsorily given to him by the law than had ever been given to the English tenant in England. There were certain things—call it Ulster custom if they pleased, or by any other name; but there were in Ireland certain rules and regulations to which they in England had never yet come, and he had no reason to expect, or hope, they ever should arrive at them; and, further, he was not sure it was desirable they should carry out those rules. They were told that one of the greatest doctrines of political economy was the security for holdings. He quite admitted that, within reasonable limits, that view was perfectly correct; but security, even as a question of political economy, must be within reasonable limits; and he said it was not political economy that there should be such a security as was sought to be laid down under the lines of the Bill he held in his hand. It was more—it was taking, or seeking to take, from the proprietor the actual rights that belonged to him, and giving them in perpetuity to the tenant. That was not permitted in English legislation; and he trusted it would never be permitted in Irish legislation, so far to forget the differences between the landlord and tenant as to make the landlord subject to the tenant, and putting the former in such a position as that. That was not security—it was confiscation. It amounted to nothing less than that, and it was necessary they should know it. Let them look at what they had when they talked about such security. He knew that was not a time when they should go through the details of the measure now before the House; but, in order to show what the foundation of it really was, he would take the language of the 18th section of the Bill, that no tenant should be disentitled to obtain compensation under the 3rd section of the Land Act on the ground that he

“Is evicted by the landlord on account of the persistent exercise of any right from which he is debarred by express or implied agreement with his landlord.”

Mr. Justin M'Carthy

MR. MITCHELL HENRY: Read the whole of the clause. ["Order, order!"]

MR. WHEELHOUSE said, he would do so later on; but at present he was only dealing with the first part of the question. He had both parts of the section in his mind, and had had them in his mind for some time; and he could assure the hon. Gentleman he would not, on the one hand, forget to read the whole clause, nor, on the other, was he likely to be put off his argument, because any attempt was made to mix up two totally different subjects. He took the language of the 18th section as it stood; and he would ask anyone who knew anything about the subject, if that was not a section which had the effect of allowing the landlord to be at the mercy of the tenant, and permitting the tenant to do precisely that which he liked with every acre of the land he occupied? As he was asked, he would come to the second part of the section, which he had certainly intended to do without any such request; and he must say the subsequent part of the section was even stronger than the first, and declared more emphatically what the principles of the Bill were. It proposed the repeal of the 14th section of the Land Act, and this, he apprehended, was one of those clauses that was inserted for the purpose of guarding Irish property from one of the inroads which it was now sought to bring to bear upon it. If the 14th section was desirable in 1870, it was desirable now, as a safeguard against the propositions of the Bill. Was it to be supposed that the right hon. Gentleman the Member for Greenwich, who was mainly instrumental in passing the Land Act, did not know how far he could go, and how far he dared go? But let them take the last portion of the Bill, which provided that nothing contained in the Act should permit the Chairman, in awarding compensation, from taking into consideration the conduct of the tenant in the manner provided by the 18th section of the Land Act. He wanted to know what that meant but the purest—if it could be said to be pure at all—most complete Communism in the world? It was nothing but Communism in its most undisguised similitude thus to say that the tenant should do what he liked with the land. The tenant was to have the power to say he would persist in setting

at defiance the rules and regulations—it might be the payment of rent, for aught he knew, even set everything at defiance—and still the landlord should have no practical remedy, and the tenant could force the landlord to go to the Chairman of some local sessions, or land tribunal, whose interests, for all he knew, would be antagonistic to one or the other, and have a question of so-called compensation settled. It was unreasonable to imagine that the landlord ought to be wiped out practically in that way. Were they to be told there was something different in Ireland—that the state of things was so exceptional, that they should reverse all the rights existing between the landlord and the tenant throughout that country? When they were considering such a question, let them take care that what they were seeking to carry out would be well; and do not let them, under the name of fixity of tenure, really give every man in Ireland a proprietary right—and that in perpetuity, moreover—which in no way whatever belonged to him. The idea of carrying out a contract was altogether ignored, and any tenant could force a landlord to go before a tribunal to have the contract practically set aside. There was nothing in Ireland to justify the reversal of the landlord's rights—nothing to justify, under the name of fixity of tenure, the giving a right to every tenant at the expense of the owner of the property. It would be an evil day for the country when that House so far forgot the rights of the landlords as to pass this Bill. If a tenant was a good tenant and paid his rent, conforming to all the regulations, performing the covenants, of the estate, doing his duty by the land, then any landlord, no matter on which side of St. George's Channel, would be glad to keep him. It was not the fault of laws or of Government that there was such a poor class of tenant farmers in Ireland. He regretted that such should be the case; but legislation such as that attempted here would never alter or amend that state of things; and he trusted the House would not be led into thinking that any remedy was to be found in disregarding the rights of contract, and of putting on the tenant those rights a landlord had always had handed down with his inheritance.

SIR PATRICK O'BRIEN said, the Irish Land Question had been before

the House on several occasions, and he would not now detain the House at any great length. It would appear that the hon. and learned Member (Mr. Wheelhouse) was under the impression he was in some law debating society, giving an address to persons knowing very little of legal matters on the subject of the Law of Contract. But to create a contract and to make it available, the parties ought to be in a position to enter into the contract. The hon. and learned Member, and other English Members who were not acquainted with the relations between landlord and tenant in Ireland, had dealt with the question from an abstract point of view, and had totally disregarded what every man who considered the question ought to regard—namely, the social and political relations of the Irish people, and the position of landlord and tenant in Ireland. Speaking from a landlord's own point of view, landlords should regard the 20 or 30 years' experience they had had of the consideration of this question. It was the old story of the Sybilline books. He remembered the time when Sir Joseph Napier, when he held high law office under the late Lord Derby, was put forward to make the statement of the great Conservative Party in England on the position which the landlord and tenant question occupied at that day, and he made statements which seemed to horrify many of the hon. Gentlemen who sat beside him. But what had been the course of events? Why, to a considerable degree, the opinions which were then put forward had been carried out by legislative enactments. Now they were considering, not in the words of the hon. and learned Member who had just addressed them, whether they were to suppress the position of landlord or not, but whether this was not the time for them to set their house in order, and without giving undue advantage to any class of society, to carry out a fair arrangement between them, rather than to wait till circumstances might induce a settlement of the question, which no one who now took part in these proceedings would regard as a fair one. In olden days, landlords in Ireland did not very much consider, in the administration of their property, what were the social results of a particular course of conduct. They seemed to think that the placing of one class

of men upon the Government Bench was the *sumum bonum* for an Irish landlord. They seemed to think that because a man once in a way contributed to obtaining for a friend the apron of a Bishop or the wig of a Judge, they were performing their duty to themselves and their families. But landlords had now arrived at this position—that they had to fight in that House for matters which 20 or 30 years ago would have been regarded as unassailable. What was the result of a man being a territorial magnate in Ireland in olden days? There was no ballot, and he could make any number of 40s. freeholders he chose in his particular district, not to conduce to the good cultivation of the land, not to raise a large quantity of beef and butter to export to England, but to get a pen of Irish voters together, when there was a consideration of whether a certain right hon. Gentleman was to be Chief Secretary for Ireland or not, or whether some right hon. Member was to be made a Chief Justice; and it was said that the landlord had performed his social functions when he had driven those men like sheep to the poll, and had done his duty at once to himself, to his family, and to the country. They had got over that state of society now, and had not to consider the political relations of landlords and tenants in Ireland. It was not now in the strict sense a political question, but a social question. He spoke to hon. Members opposite, who owned more land than he did, although his subsistence, too, was derived from land, and he spoke as a landlord. He had seen the folly that had actuated those men in the olden times; and he asked hon. Members if they were going to pursue that insane folly at present? They might have their own opinions as to the manner in which the Government of the country was to be conducted, and they might express their opinions like men, and according to their influence they might give effect to those opinions; but the day was gone by when they could imagine that, by any system of force or compulsion, they could drive those men who held land from them any more than they could drive the shopkeepers of the towns to express the opinions of their landlords, except by fair persuasion. Now, what was proposed by this Bill? Hon. Members had said that it was proposed

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to take the rights of the landlords away. What rights? They could not use a fusy supervision over the tenants, and tell them what they were to do. But they could say to a tenant—"You hold your land from me; you owe a certain amount of rent, and if you do not pay it I have the law on my side;" and the Bill did not propose to interfere with such a law. "I can remove you from the holding in which you have proved yourself an unworthy servant." No hon. Member on that side of the House wished to pursue the question further than that. He thought few hon. Members opposite would deny that, admitting the great advantages of the Bill introduced by the right hon. Gentleman the Member for Greenwich, it had been proved by experience that there were instances in which that Bill had failed to do what the right hon. Gentleman stated it was his intention it should do when he brought it in—namely, to give a certainty of tenure to a hard working man. He did not think the House could do a better act than to give a second reading to the Bill, which professed to give that certainty of tenure which late legislation had not afforded. If the statements made were exaggerated, and if the claims put forward could not be well sustained, the matter could be well considered in Committee. It had been often stated that hon. Members who came to the House from Ireland cared little about anything except their own particular position in the House; but it would be seen, from the list of Members furnished by Irish constituencies, that the large majority of them were connected with the landed interest of the country; and it was not to be supposed that for the casual position to be obtained by being in the House of Commons for four or five years, men would give up their interests, as well as their opinions, to promote what had been called a system of confiscation. Certainly, if the Bill were worthy of such a term, he should not be there to advocate it. Whatever the opinion of the Government might be of the Bill, there was one thing he would wish to impress upon them. He did not think the right hon. Gentleman the Chief Secretary for Ireland had lived too short a time in Ireland to learn; and if he had done so, the right hon. and learned Member for the University of Dublin (Mr. Gibson) could give him the informa-

tion that a strong impression prevailed throughout all classes of Ireland that, while admitting the Bill of the right hon. Gentleman the Member for Greenwich to have conferred great and inestimable benefits on the Irish people, there had been instances of its working in a very unjust direction—instances which had been exhibited in every County Court in Ireland, and which warranted everyone who cared for the interest of the country in giving the Bill his earnest and thorough support. It was said that there were clauses in the Bill which could never pass the House of Commons. But his impression was that, commencing in small degrees, great questions had arisen, and had been carried out in a way that no one could have dreamed of in the first inception; and this might be the case with the Irish Land Bill when it came before Committee. At all events, he would remind hon. Members opposite that *ucalegon proximus ardet* applied to this question. Looking at the present position of agriculture in England—and he was not in error in stating that there was not a county in which farms had not been given up or were about to be given up—he would ask English landlords whether it would not be well for them to take time by the forelock, and to abate that high notion of individual prerogative which they possessed, from having been brought up in the idea that they were the lords of the soil and of all that appertained to it? He was glad that several English Members had joined in the debate, because the way to prevent a big revolution in this country was to put our house in order in time. The position in England now was very much what it was in Ireland before the Famine precipitated affairs; and this Bill would show hon. Members what they would shortly have to do with reference to the landed proprietors of England. He said, when he rose, that he only intended to make a few observations upon this question. It was, unfortunately, a question which had distracted his country for the last 50 years. The Irish people had really been unable to give expression to their opinions either in that House or elsewhere; and it was not to be met by the quiet chaff of those Gentlemen who had searched *Chitty upon Contracts* with the view of giving character to their speeches. At present they had to con-

sider, not merely a Law of Contract such as had been referred to by the hon. and learned Member for Leeds (Mr. Wheelhouse), but the state, position, and the internal and social arrangements of the nation. What he had said about Ireland would be equally true of England; and he would urge hon. Members representing English constituencies to allow the Bill to go into Committee, when the statements which had been made would be carefully considered, and when their judgments would not be disturbed by declamatory speeches.

SIR JOHN LESLIE regarded the introduction of the Bill at the present time as singularly inopportune. The period which had elapsed since it was last introduced, and since the House pronounced a judgment upon it, was so limited that he thought it was unwise to re-open the subject. In the next place, it was impossible to turn to the back of the Bill without discovering that there were peculiar circumstances connected with it; and, as a matter of feeling, he thought it would have been only respect due to the organizer of the measure (Mr. Butt), and to Mr. Downing, who was a strong supporter of it, that the Order of the Day should have been treated with mournful and respectful silence. There was another reason which he would advance why this measure came inopportunately at the present time, which was that it anticipated legislation which was expected in reference to the "Bright Clauses" of the Land Act. The two measures could not run together; and it was obvious that no tenant farmer could be expected to advance any portion of the purchase-money for his holding if he were told by the Representatives of Ireland—as he was told by this Bill—that he need not put himself to any inconvenience to supply this purchase-money at all, because if this measure passed he would become a freeholder of his farm without any outlay. This Bill, with its wild generalities about fixity of tenure, free sale, and fair rents, must make way for legislation on the subject to which both sides of the House looked as a real advantage for peasant proprietors, if conducted upon prudent principles. He had watched, with great interest, all that had been said by speakers upon this question during the Recess, and he read, with interest, the speech of the hon.

and learned Member (Mr. O'Shaughnessy), delivered last year at Limerick. That hon. and learned Member called upon his hearers to affirm that every living soul, every artizan in the town, and every man in the community had an interest in the proper cultivation of the land. In that remark he fully concurred. They were all interested and concerned in producing the greatest amount possible from the cultivation of the land; but the hon. and learned Member for Limerick then went on to say that the remedy was fixity of tenure—a conclusion which he entirely disagreed with. The crying evil, the besetting sin of Ireland, was the indifferent cultivation of the soil. It was the want of improvement in that respect, not the want of improvement in the laws, which prevented the tenant farmers of the country from rising to the standard to which they aspired. Fixity of tenure would only perpetuate the evils which they had already suffered from, and would establish what they really ought to get rid of—namely, a slothful, thriftless, ignorant system of cultivation which would lead those who were fixed in their possessions to neglect their duties, and, in the end, find themselves in the poorhouse. A true friend of the tenant farmer should show him how he enjoyed advantages above his class in other parts of the Kingdom, how, in addition to the advantages given to others, he had compensation for disturbance as a sole privilege; and, therefore, instead of looking for a remedy to alteration in the laws, they should look to their own energy and knowledge of the elementary principles of agriculture. Never did hon. Members opposite, in their addresses, get out of the political aspect of the question. By no chance did they allude to what was the real root of the evil—bad cultivation. He trusted, so far as this Bill was concerned, that the House would not consent to the second reading. An hon. Member (Mr. Shaw) had said that it was a very moderate measure; but he considered it went far beyond what was contemplated, and was an extreme measure, and for that reason he hoped they would hear no more of it, and that a modified Bill would hereafter be introduced capable of working in concert with the measure relating to the establishment of a peasant proprietary.

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Mr. BLENNERHASSETT said, he had no intention of detaining the House; but there were one or two observations which he felt bound to reply to. The hon. Baronet (Sir John Leslie) had expressed regret at the loss of two distinguished Members, and had said that this was, therefore, an inopportune time to proceed with this Bill. But he (Mr. Blennerhassett) considered that the best tribute they could pay to the memory of those who had departed was to press on quietly, but, at the same time, determinedly, the principles which they so sincerely advocated. The hon. Baronet had expressed a fear that the present measure would interfere with the proposed legislation on the "Bright Clauses" of the Land Act. No one could believe more strongly than he did in the beneficial nature of those clauses; but he must point out that their operation had not been so extensive as was anticipated. The hon. Baronet shared the views which he entertained with reference to the "Bright Clauses." Their object was to create and retain a large number of tenant farmers in Ireland with security of tenure. The whole point was simple, and lay in a nutshell. If they could deal with the land in Ireland, and the relations between landlord and tenant upon purely commercial principles, the present system might work well; but it was because those relations did not exist that the tenant was deprived of every incentive to industry and perseverance. The hon. Baronet had said that they should improve the cultivation of the land rather than make a political question out of it; but it appeared to him that the two things were united, and they could not look at one point without having regard to the other. When Lord Spencer was Lord Lieutenant of Ireland, he tried to improve the cultivation of the land by a system of prizes, and other efforts had been made in that direction which he hoped would have a good result; but Professor Baldwin, in a pamphlet which he had lately issued, showed how difficult it was to produce any result, because, he said, the tenants feared that by improving their holdings and making the farms tidy they would be called upon to pay an increased rent, and the landlords would thus swallow up the extra capital or labour which they might expend. He did not wish to make any complaint

against landlords; but it could not be denied that this idea prevailed greatly throughout Ireland. Judge Flanagan, in his evidence before the Committee on the "Bright Clauses," insisted strongly upon the expediency of providing for the sale of the residue of estates, after the majority of the tenants had purchased their holdings. The smaller lots of land put up for sale generally fell into the hands of small purchasers, who proved the most avaricious landlords, and by their exactions paralyzed and spread fear throughout the tenants of a whole district. If the land was held by just and honourable men nothing would be heard of the subject; but they were bound to deal with the matter as they found it, and to prevent unscrupulous landlords from trading in what really belonged to the tenant. This debate would, he was sure, throw a good deal of light upon the subject, and it would show the different ways in which the English and Irish Members approached the subject; but nothing was so calculated to mislead the House as to compare the way in which the land in England was held with that of Ireland. Therefore, if they wished to deal justly, it must be considered as an Irish question simply, and legislation must be applied to the peculiar circumstances of that country.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) said, the hon. Member for Cork (Mr. Shaw) had introduced the Bill to the House in a speech of singular moderation—not singular to him, because he was always moderate—in the most persuasive and attractive, but, at the same time, an eminently misleading manner. And no one would have recognized, from the way in which he spoke, that he was asking the House to read a second time a Bill of the character which was now before them. In fact, anyone would have imagined from his manner, that it was a moderate, easy-going measure on the land laws of Ireland, and that it was inconceivable that anyone could be found who was so rash as not to accept such a boon. That was the manner in which he had introduced it; and, in fact, he seemed like a modern Moses, trying to lead his chosen people through a wilderness of legislation into a land of promise, from which the older proprietors were to be cast out. There had been debates on this subject for the

last five or six years, and in the present discussion not a new fact or new argument had been adduced. The Bill was divided into three parts. The first part was put in, he would not say deliberately to mislead; but it would certainly have the effect of leading a Member who did not read the whole measure to believe that it was a moderate and harmless measure. There was in this part many clauses of a moderate character, and which were well worthy of consideration. If they stood alone many of these clauses might be discussed. The second part of the Bill proposed some amendments in detail, and there might be amongst the clauses of which it consisted some few grains of wheat amongst a mass of chaff; but, although some of these provisions might be worthy of acceptance, he would point out that some of the clauses might be capable of considerable extension. The clauses contained an effort to introduce what was vigorously resisted when the Land Act was passed—that was, the introduction of the jury element into the administration of the land laws before the County Court Judges. When that attempt was first made a very full discussion ensued, and it was pointed out that it would simply hold up the landlords to confiscation to allow County Court Judges to submit disputed questions as to the compensation to be paid by landlords to juries of tenant farmers; and with such obvious good sense was that advanced that the House of Commons at once acceded to that view, and it was decided that the provisions of the Land Act should be judicially administered by the County Court Judge, and the jury element should be carefully excluded. Well, one of the sections of the second part of the Bill now before the House provided that a Chairman should, if he thought fit, refer the question to a jury, who he should call in to assist him in his decision if a single question arose, not only under the Land Act, but under any of the provisions of the Bill. That was about as grave and serious an innovation as could possibly be imagined. It was no use to point out that it was permissive, and that the Judge was not compelled to call in a jury. The minute a popular question arose he would be pressed all round to allow his judgment to be assisted by the jury; and if he was not extremely firm,

and if it was a case about which there was any great popular excitement, he might be very glad to get rid of the responsibility of deciding such disputant questions, and refer it to a jury. The only other remark he had to make as to the second part of the Bill was that the effect of its provisions (in seeking to repeal the 12th section of the Land Act) was such as to amount to a legislative enactment that any tenant, no matter what his education or ability or wealth—even if he held thousands of acres of the best land in Meath, and was richer than his landlord—should not have the power to enter into any valid contract with his landlord with respect to altering the compensation under the Land Act. Was not that really rank nonsense? And yet that House was quietly asked to pass a measure which was susceptible—and was intended to be susceptible—of such a monstrous construction as that. But the second part of the Bill was nothing compared to what the third part was, and which contained what he supposed he must call the principle of the Bill. That was a very remarkable portion of the Bill, and required a little attention to find out exactly what the principle was, because it was disguised in 20 or 30 sections, and required to be put into plain English. Without going through the details of the sections, the part was this—that by an Act which was retrospective, and did not look simply to the future, it proposed to enable every tenant in Ireland, no matter under what circumstances he got his farm, or what his position might be—no matter what his wealth, his education, or his intellectual attainments, or the extent of his holding—if he pleased, against the wish of his landlord, by giving a simple notice, to turn his tenure into a perpetuity. But the hon. Member for Cork did not put his proposition in such a naked form as that was—though that was the real principle of the measure, and it was necessary that the House should have the simple plain English words to deal with in deciding such a question. It proposed to enable a tenant, no matter how he got his position, by the service of a notice, to turn his tenure into a perpetuity, and that without giving one farthing of compensation to the landlord—and whether he pleased or not. All he could say was,

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to use a common expression, that that was rather a strong order—that principle was diluted into 10 or 11 sections, and so its meaning might not be at once perceived by a casual reader; but what it really said was that every person, except the landlord, should have power to regulate and fix the rent. The County Court Judge, in the second part of the Bill, was invited and persuaded to rid himself of his responsibility by handing the disputed question over to a jury; but in all cases of dispute the County Court Judge had absolutely no discretion whatever as to the fixing of the rent. The Judge might arrive at a conclusion that the rent suggested was wrong; and yet he must register the figures handed over to him by two gentlemen, who were obliged to swear a very attractive oath as to the proper rent to be paid in future. He asked was that a reasonable kind of Bill to ask the House to read a second time? He ventured to say that it was not; that the few observations he had made would show that it was a very stringent and strong measure; and if he did not use the word "confiscation" in regard to it, it was because that word had been used so often that he should like to find a new word to mean about the same thing. With regard to the machinery for fixing the rent—each party, the landlord, who was unwilling to be dragged into the matter at all, he was told he must fix an arbitrator; and the tenant, who was the real master of the situation, and who could do what he pleased, and by serving a notice transfer his tenure into a perpetuity, he was to appoint another arbitrator, and then two gentlemen were to proceed to fix the rent. If those men honestly discharged their duty, and rigidly proceeded in the way fixed by the Bill, there would be a substantial rising of rents from the Giant's Causeway to Cape Clear; but he ventured to say that that was not the object of the Bill, and if any Member made such a suggestion as that, he ventured to say he would meet with a somewhat warm reception when he returned to Ireland; and, therefore, he contended that it was intended that the arbitration clause should only work in another way, and that the only variation of the landlords' rents was to be downwards—that the arbitrator might lower the rent, but was not expected to raise them. If that was not intended, why was

the County Court Judge given absolutely no discretion to decide in any single particular as to the amount of the rent? The Preamble of the Bill was a masterpiece of apparently studied frankness; and in his original Bill the late Mr. Butt acted on the principle that it was absurd to include in its provisions a number of rich graziers, who, in nine cases out of ten, were better off than their landlords; but the farmers' clubs in Ireland, which were very powerful, were not satisfied with the exclusion; the Bill was altered to suit their views, and now applied to every farm in Ireland, no matter what its extent. Was it not absurd to say that all that could be changed in Committee, when the principle had been deliberately introduced into the Bill? He addressed the same criticism to the Bill before, and yet it was introduced again; and, therefore, it must be taken that it was deliberately intended to make the Bill apply to all farms in Ireland. He also could not help referring to what had been said as to the extension of such a principle to English farms; and it was impossible not to see that if the principle he had referred to was applied in the way proposed in Ireland, it could not possibly rest there, but some attempt would be made to extend it to England. How were arrears of rent dealt with in the Bill? If a man was four or five years in arrears, one would have thought that, as a matter of common sense, if a tenant had the power given him to turn his tenure into perpetuity by serving notice, that at least a landlord would have power to recover his arrears of rent. But one must change all one's preconceived notions in dealing with the Bill before the House; for he found that when a tenant was five years in arrears in his rent and was under notice of ejectment, that notice of ejectment was paralyzed by the tenant being able to serve a notice on his landlord stating his desire to turn his tenancy, for which he was five years' rent in arrear, and for which he was being sought to be ejected, into a perpetuity. What was the discretion of the Judge in such a case? He might, if he pleased, award to the landlord, before the tenant was turned into a perpetuity, a sum which should in no case exceed one year's arrear of rent. One would have thought that the unfortunate landlord, who had only got one year's rent

when five were owing, at all events would be able to recover all his costs in such a matter; but, again, the Judge, who had no discretion as to the raising of the rent, and who could only award one year's rent instead of five, had discretion given him not to give the whole costs, but so much of the costs as, under the circumstances, he might think requisite. Was that a fair way to deal with the arrears of rent in Ireland? It might be said that the balance was not confiscated; and certainly the landlord might go into the High Court of Justice, and seek in some of its divisions the balance of the four years' rent, and the costs, if he was fool enough to resort to litigation. Once, in the County Kilkenny, two gentlemen were competing for the suffrages of the tenant farmers, and one of them announced that if returned he would introduce a measure to reduce the rents one-half. He was cheered to the echo, and the friends of the other candidate thought their man was nowhere; but he was equal to the occasion, for, addressing the tenant farmers, he said—"Does the villain expect that you will pay the other half?" The result was that the candidate who moderately proposed only to cut down the rents by half was glad to get out of the place with his life. The way in which the clause about sub-letting and assignment was arranged was very ingenious, for Clause 35 was about as nice and moderate as anyone would well wish for; but it was nibbled away by subsequent clauses until nothing had been left of it. Clause 38 took away a little of it, Clause 39 a great deal of it, and Clause 40 enabled a coach and nine or ten horses to be driven through it. The speeches in support of the measure had been extremely interesting, and some of them had been characterized by a great amount of research, and, as might have been expected for the nation which supplied the bulk of the speakers, by much ability and eloquence. The hon. and learned Member for Limerick (Mr. O'Shaughnessy) made a speech which was of considerable ingenuity and ability; but he could not help thinking it was delivered largely in reference to some elections which were pending. He would not, however, attempt to follow him through the details of his argument; but would confine himself to the subject-matter of

the Bill before the consideration of the House. The hon. Member for Cork went on to describe the course he had taken on his own ably-managed property and on the property of others in Ireland. They all knew, taking it on a broad rule, that Irish landlords were very good landlords, and he had no doubt that many in the House who had property in Ireland were good landlords. But the matter became quite different when it was proposed to take the land arrangements out of the scope of the landlords of Ireland. The hon. Member had said that nothing had come of the Land Act. [Mr. SHAW: That it did not carry out all its principles.] That might be so; "all" was a big word; but it had, at any rate, transferred £20,000,000 of the property of the landlords to the tenants. At present, there was really as little of practical hardship or friction in the relations between landlords and tenants in Ireland as was to be found at any time in the history of the country. In former debates there were only three or four specific cases of hardship inflicted by the landlord which used to be alleged. The Bridge evictions were a godsend on two or three occasions. But he had not heard any allegation of that kind in the course of this debate, and not one single case had been quoted which would justify such an extreme measure as the one before the House. It must be borne in mind that no measure—and, even assuming that the present Bill became law to-morrow—could do more than benefit the existing race of tenants. That was a matter which could not be denied by argument. Property would be given without compensation to the existing race of tenants, and they would be enabled to sell to others who had no land that property which they held at as high a price as they pleased. The result would be that future occupiers would stand in the same position as the tenants were at present, and, no doubt, would apply to their Representatives to pass for them a new land law. On the whole, the relations between landlords and tenants in Ireland were satisfactory. As a rule, the tenants in Ireland paid their rents promptly and fairly, and he hoped they would enjoy a very fair measure of prosperity, though they might not have done so of late. He did not think it was the interests of either

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landlord or tenant that they should be disturbed as they were being disturbed at the present time. The truest and best interests of both would be considered if the Bill were rejected; because, if the second reading were agreed to, it would intimate to the tenant farmers of Ireland and their friends that there was some chance of some clause being passed in their favour, a chance which did not exist.

MR. PATRICK MARTIN remarked, that the right hon. and learned Gentleman in his speech had not entered upon the principle of the Bill. He had not even attempted to show the House any reasons why the substantial benefits which the Ulster custom, really observed, gave to the Northern tenant should not be secured to all Ireland by law. To confer these benefits on the entire tenantry of Ireland was the substance and essence of the present measure. Instead of argument, Her Majesty's Attorney General minutely and unfairly, in many instances, criticized the clauses of the Bill. He condemned the arbitration clauses in the Bill. But those clauses were in substance copied from an Act obtained by Trinity College, which had passed this House. Indeed, if his right hon. and learned Friend had given the matter the benefit of his consideration, even for a short time, he would have seen that these clauses were more clear and distinct than the Trinity College clauses.

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) said, that in the case of the Trinity College Act the sales were regulated by an average price of products for years.

MR. PATRICK MARTIN said, that the clauses in the Bill were more simple and clearer than the Trinity College clauses, and enabled a more accurate conclusion to be arrived at between the arbitrator and the Judge. No doubt, it had been said it was a monstrous novelty that the Judge should, by this measure, have the power of obtaining the assistance of a jury in land cases; but in railway arbitrations, in all other cases of dispute, except between landlord and tenant, it had been already decided by this House a jury was the proper ultimate tribunal. In those cases, either party had the absolute right to demand a jury. In the case of landlord and tenant, under the present Bill, a discretion was left to the Judge. The ob-

jection made in respect to grazing farms was an example of the unfair way in which the second reading of this Bill was opposed. In 1877, when the Bill was first introduced by the late Mr. Butt, the then Chief Secretary for Ireland (Sir Michael Hicks-Beach) said he saw no reason why grazing farms, as well as others, should not be subject to its provisions. Did not the Ulster tenant right apply to grazing as well as to tillage farms? It was then objected that all or none should have the privileges of the extension of the principles and incidents of the custom. The Bill had been met in a way which he trusted would not commend itself to the House. Let him again remind the House the promoters of the Bill sought only to give practical effect to principles recognized and admitted in the Land Act of 1870. He was glad to hear the hon. and gallant Member for New Ross (Colonel Tottenham) give his testimony in regard to the 1st and 2nd clauses of the Bill, and also to hear him express himself in favour of the Ulster tenant right. If the Ulster tenant right had worked so well in Ulster, why, he wished to know, should it not be applied to the whole of Ireland? Upon that point, he thought the right hon. and learned Gentleman might have given some more fitting comments on the arguments that had been advanced in favour of the Bill than that of saying there was nothing in them. On the second reading of the Land Act of 1870, the then Chief Secretary for Ireland stated the Government intended to extend the incidents of the Ulster tenant right custom over the entire of Ireland. It was, therefore, rather unreasonable to call this a measure of confiscation, which simply gave effect to the professed intentions of the framers of the Land Act of 1870. If the voice of the hon. and learned Member, so often listened to with pleasure in that House, but now, alas! stilled for ever, could be once more heard, he would have stated—as he had, indeed, left on record—his conviction that the measure involved no interference with any just right of property, that it was justified by the circumstances of Ireland, the general principle of jurisprudence, the purposes for which, of old, Irish estates had been granted, and the conditions under which they were of right held. "But," said the Attorney General, "no instances of hardship have

been given." But he forgot in previous debates those cases had been already substantiated. Assuredly, the striking and forcible terms in which Mr. O'Brien, a deputy lieutenant and gentleman of large property in Limerick, showed that the Land Act of 1870 was powerless to prevent rack renting, had not passed from the Attorney General's memory. Many instances, if time permitted, could be quoted to show that the Land Act of 1870 had not removed the grievances it proposed to redress. The Chairman of Queen's County (Mr. Clarke), who was himself opposed to tenant right, pointed out that the Land Act of 1870 had been powerless to prevent the consolidation of farms and the sweeping away of the small tenants, and in strong and emphatic words he pointed out the desirability of further legislation being required. Those evils which previously existed had, unfortunately, to some extent, been aggravated by the Act. He said it was a mistake to say, what might be implied from the speech of the right hon. and learned Gentleman, that the Act had had any such operation as to transfer £20,000,000 from the pockets of the landlords to the pockets of the tenants. It would be correct to say the Act professed to give to the Irish tenants the £20,000,000 of improvements made with their money and out of their capital. But though the Act admitted the moral claim of the Irish tenants to their improvements, anyone who understood the practical working of the provisions of the Act knew that this Act took away by one clause what it in a previous one professed to give; and, in the result, even the most willing Judge could only award the most miserable and inadequate compensation for the *bona fide* expenditure of the tenants. In conclusion, he warned the Government against the danger of their trifling with the Irish people on this most important question. He asked the House not to listen to the arguments so adroitly introduced by the right hon. and learned Gentleman, which really were discussions upon the clauses and not the principle of the Bill, and he asked the Chief Secretary for Ireland to say when the Government intended to give consideration to the demands indicated by the Bill.

MR. J. LOWTHER: I should have thought that after the very able and exhaustive statement of my right hon. and

learned Friend the Attorney General for Ireland, it would have been unnecessary for me to say anything; but as the hon. and learned Gentleman has asked me a plain question, I will give him a plain answer. He asked me whether the Government approved of the proposal contained in the Bill, to extend to the whole of Ireland what is known as the Ulster tenant custom? I say at once that the Ulster tenant custom, like any other vested interest, is deserving a protection where it already exists. Those who have obtained vested interests under the Ulster tenant custom would always receive from Her Majesty's Government that protection which every legitimate vested interest obtains. Well, the hon. and learned Gentleman asked me to go further, and to say that this custom should be extended to districts and estates upon which it does not now prevail. To that I reply, unhesitatingly, that if we begin *de novo* I cannot conceive any worse system upon which land can be held than that which is known as the Ulster custom. What is that custom? Why, as I said the other day, it is simply a device for locking up the capital, which otherwise ought to be spent upon the soil. The hon. Member for Mallow (Mr. MacCarthy) spoke upon the question of political economy in connection with the matter. In a former debate, I ventured to tender the advice that the political economist had better hold his peace in a discussion of this question from the point of view of the tenant right advocates; because, from the point of view of political economy, what can be worse than withdrawing capital which ought to be employed in the cultivation of the soil, and not merely locking it up—that would be bad enough—but removing it altogether from the land? A man comes into a farm under the Ulster custom. He pays down all the money he has, all he can collect from his family and friends, and all he can borrow from usurers and others, and what becomes of the money? When he leaves the farm the money is, perhaps, taken to the Colonies, or it is invested in business miles away from the land upon which it ought to be spent; and I cannot conceive anybody arguing, from the politico-economical point of view, in favour of the adoption of this Ulster tenant custom where it does not prevail. So much for the first

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part of the Bill. And when I am asked why the Government do not address themselves to its principles, I say that the principle of this Bill is pure, undiluted, unmitigated Communism. That is my opinion. It is simply a project for taking the property of one man and giving it to another, without compensating the person from whom it is taken; and I do not hesitate to say that that is a principle which neither Her Majesty's Government nor any principal section of this House is likely to support. Well, an hon. and learned Gentleman (Mr. O'Shaughnessy), whose speech I was, unfortunately, prevented from hearing, being momentarily called out to other business, appears to have made a great point of the relative claims of the English political parties upon the popular suffrages of Ireland. Now, I do not wish to be drawn into any statement upon that subject, although it might, perhaps, be of some interest, if not to the usual occupants of the front Opposition Bench, whose absence has been noted to-day, at any rate to the outside public. I do not know if the hon. and gallant Gentleman (Sir George Balfour), who now occupies a prominent place upon that Bench, is authorized to express the views of those who usually sit there; but I think unless the hon. and gallant Gentleman is so delegated, the appearance of those Benches does not show that any very great amount of sympathy or interest is evinced amongst the Leaders of official Liberalism with regard to the supposed wrongs of Ireland upon this subject. Whatever may be the opinion of those right hon. Gentlemen, and whether they claim to hold aloof from expressing an opinion upon the subject or not, I still entertain a conviction that the vast majority of this House, drawn from all sections of the House, will be found recording an opinion against the principle of this Bill. We have heard a great deal about fixity of tenure. Now, I can perfectly understand that if the condition of the Ulster occupier were absolutely perfect, that state of bliss might be urged upon us an argument for the extension of similar conditions to other parts of Ireland. That would be an argument which would commend itself to those who have the interests of the country at heart. But what do we find is the case? We find that those hon. Gentlemen, who come down

to this House and ask us to extend the Ulster system of land tenure in Ireland, speak in the same breath of a down-trodden class of occupiers who are almost destitute of the bare necessities of life. I ask is it reasonable, is it common sense, to put forward as a remedy for the state of affairs the perpetuation of that very system under which the state of affairs has been called into existence? I do not know whether the hon. Gentleman who will reply to me will admit that I am correct in my assumption as to his argument—namely, that he proposes to stereotype for all time a system which he says has hitherto worked so badly. I hope the House will, upon this occasion, express an opinion without any of those drawbacks which, upon some recent occasion, apparently operated against the expression of the real opinion of the House. We have had many Bills introduced, sometimes from this side of the House, and sometimes from the other, and most of them have been surrounded by ambiguous clauses, which have prevented the real principle of the Bill from being discussed in that candid manner which, as the hon. Member for Kilkenny (Mr. Patrick Martin) has just said, is desirable. We have been told that some of these Bills are simply plans for giving effect to certain provisions of the Land Act which have hitherto not been allowed fair scope. In other cases, we have been told these are really only a few clauses for maintaining the Land Act. This Bill, however, has no ambiguity about it. It is, as I said just now, pure, undiluted, unmitigated Communism. It proposes to take away property from those to whom it belongs without any compensation to them; and, therefore, I hope the House will reject it.

MR. SHAW, in reply, said, he could not understand why the right hon. Gentleman should have described their proposals as stereotyping present things, where they wished to change those things. He wished to give security of tenure to the tenant, and they had not got that. Now, the right hon. Gentleman stated that the Bill was a piece of pure, undiluted, unmitigated, Communism; but, in his opinion, it was a piece of pure, undiluted common sense, and strictly in accordance with the principles of political economy. If he had a million of money he would invest it in

been given." But he forgot in previous debates those cases had been already substantiated. Assuredly, the striking and forcible terms in which Mr. O'Brien, a deputy lieutenant and gentleman of large property in Limerick, showed that the Land Act of 1870 was powerless to prevent rack renting, had not passed from the Attorney General's memory. Many instances, if time permitted, could be quoted to show that the Land Act of 1870 had not removed the grievances it proposed to redress. The Chairman of Queen's County (Mr. Clarke), who was himself opposed to tenant right, pointed out that the Land Act of 1870 had been powerless to prevent the consolidation of farms and the sweeping away of the small tenants, and in strong and emphatic words he pointed out the desirability of further legislation being required. Those evils which previously existed had, unfortunately, to some extent, been aggravated by the Act. He said it was a mistake to say, what might be implied from the speech of the right hon. and learned Gentleman, that the Act had had any such operation as to transfer £20,000,000 from the pockets of the landlords to the pockets of the tenants. It would be correct to say the Act professed to give to the Irish tenants the £20,000,000 of improvements made with their money and out of their capital. But though the Act admitted the moral claim of the Irish tenants to their improvements, anyone who understood the practical working of the provisions of the Act knew that this Act took away by one clause what it in a previous one professed to give; and, in the result, even the most willing Judge could only award the most miserable and inadequate compensation for the *bona fide* expenditure of the tenants. In conclusion, he warned the Government against the danger of their trifling with the Irish people on this most important question. He asked the House not to listen to the arguments so adroitly introduced by the right hon. and learned Gentleman, which really were discussions upon the clauses and not the principle of the Bill, and he asked the Chief Secretary for Ireland to say when the Government intended to give consideration to the demands indicated by the Bill.

MR. J. LOWTHER: I should have thought that after the very able and exhaustive statement of my right hon. and

learned Friend the Attorney General for Ireland, it would have been unnecessary for me to say anything; but as the hon. and learned Gentleman has asked me a plain question, I will give him a plain answer. He asked me whether the Government approved of the proposal contained in the Bill, to extend to the whole of Ireland what is known as the Ulster tenant custom? I say at once that the Ulster tenant custom, like any other vested interest, is deserving a protection where it already exists. Those who have obtained vested interests under the Ulster tenant custom would always receive from Her Majesty's Government that protection which every legitimate vested interest obtains. Well, the hon. and learned Gentleman asked me to go further, and to say that this custom should be extended to districts and estates upon which it does not now prevail. To that I reply, unhesitatingly, that if we begin *de novo* I cannot conceive any worse system upon which land can be held than that which is known as the Ulster custom. What is that custom? Why, as I said the other day, it is simply a device for locking up the capital, which otherwise ought to be spent upon the soil. The hon. Member for Mallow (Mr. MacCarthy) spoke upon the question of political economy in connection with the matter. In a former debate, I ventured to tender the advice that the political economist had better hold his peace in a discussion of this question from the point of view of the tenant right advocates; because, from the point of view of political economy, what can be worse than withdrawing capital which ought to be employed in the cultivation of the soil, and not merely locking it up—that would be bad enough—but removing it altogether from the land? A man comes into a farm under the Ulster custom. He pays down all the money he has, all he can collect from his family and friends, and all he can borrow from usurers and others, and what becomes of the money? When he leaves the farm the money is, perhaps, taken to the Colonies, or it is invested in business miles away from the land upon which it ought to be spent; and I cannot conceive anybody arguing, from the politico-economical point of view, in favour of the adoption of this Ulster tenant custom where it does not prevail. So much for the first

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land in Ireland, and the tenants should keep their holdings under the principles of this Bill. He complained of the Members who simply came down to vote without hearing the debate. The Leaders of the Liberal Party came down to the House when some twopenny-halfpenny Irish question was before them to pat the Irish Members on the back; but when such a question as this, of interest to the whole people of Ireland, was under discussion, they were conspicuous by their absence. When, in the course of time, these Liberal Leaders occupied the Government Bench, they would not find their seat so comfortable as they supposed. Irish Members had long memories. When a Liberal Government wanted them, they also would know how to remain away.

Question put.

The House *divided*:—Ayes 91; Noes 263: Majority 172.—(Div. List, No. 93.)

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

SALMON FISHERY LAW AMENDMENT

(NO. 2) BILL.

On Motion of Colonel KINGSCOTE, Bill to amend the Salmon Fishery Act with relation to fixed engines in tidal waters, *ordered* to be brought in by Colonel KINGSCOTE, Sir JOSEPH BAILEY, and Mr. STAFFORD HOWARD.

INDIAN MARINE BILL.

On Motion of Mr. EDWARD STANHOPE, Bill to provide for the observance of Discipline in Her Majesty's Indian Marine Service, *ordered* to be brought in by Mr. EDWARD STANHOPE and Mr. JOHN G. TALBOT.

Bill *presented*, and read the first time. [Bill 182.]

COMMON LAW PROCEDURE AND JUDICATURE ACTS AMENDMENT BILL.

On Motion of Mr. WADDY, Bill to amend the Common Law Procedure Acts and the Judicature Act, *ordered* to be brought in by Mr. WADDY, Mr. WHEELHOUSE, and Mr. RIDLEY.

Bill *presented*, and read the first time. [Bill 181.]

House adjourned at five minutes before Six o'clock.

Mr. Shaw

HOUSE OF LORDS,

Thursday, 15th May, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—West India Loans * (86).

Second Reading—Pier and Harbour Orders Confirmation * (73).

Committee—Habitual Drunkards (26-86).

Third Reading—Public Health (Scotland) Provisional Order (Castle Douglas) * [68], and *passed*.

Withdrawn—Cathedral Statutes [4].

FOREIGN POLICY OF HER MAJESTY'S GOVERNMENT.

QUESTION. OBSERVATIONS.

THE EARL OF BEACONSFIELD: My Lords, I wish to put a Question to the noble Duke opposite (the Duke of Argyll) with respect to the inquiry he intends to make to-morrow into the results of the foreign policy of Her Majesty's Government in Europe and Asia. I do not know whether the noble Duke contemplates, in the discussion which he proposes raising, to refer to the affairs of Afghanistan; but I must say that, in respect of those affairs, the lips of Her Majesty's Government are now sealed, and, indeed, we should consider any discussion on the matter as one which would be injurious to the public interest. The noble Duke, I am sure, will inform me what his purpose is in regard to that part of the subject of which he has given Notice. With respect to the latter branch of the noble Duke's subject—the result of the foreign policy of Her Majesty's Government in Europe and Asia—Her Majesty's Government will be quite prepared to enter fully into any discussion that may be raised.

THE DUKE OF ARGYLL: My Lords, we are all aware, through "the ordinary channels of information"—which, I believe, is the Parliamentary expression for the newspapers—that Her Majesty's Government are now in the course of negotiation with the new Sovereign of Afghanistan in regard, I suppose, to the new Frontier, which is to be the scientific Frontier referred to by the noble Earl (the Earl of Beaconsfield) in his celebrated speech at the Guildhall, and also with reference to our future relations with Afghanistan. I at once recognise

the fact that to enter into a discussion upon the subject of our future relations with Afghanistan might, probably, be inexpedient as regards the Public Service; and, indeed, it never was my intention to enter at all into the question of our future relations in that part of the East.

PARLIAMENT—THE WHITSUNTIDE
RECESS.—QUESTION.

EARL GRANVILLE: My Lords, I think it would be convenient to your Lordships' House if the noble Earl at the head of the Government could state at what time he proposes the House should rise for the Whitsuntide Recess, and how long that vacation is to last?

THE EARL OF BEACONSFIELD: My Lords, we propose that the House should rise on Friday, the 30th of May, and meet again on Friday, the 13th of June.

SOUTH AFRICA — THE ZULU WAR—
REINFORCEMENTS.—QUESTION.

LORD TRURO said, that on a former occasion the noble Viscount the Under Secretary of State for War stated that the Government awaited information in despatches before sending reinforcements and stores asked for in a telegram from the Cape. It was rumoured that difficulties were experienced in getting the reinforcements; and, under these circumstances, he wished to know, Whether there was any objection to the telegram being laid on the Table of the House?

VISCOUNT BURY, in reply, said, that no difficulty would be experienced in getting the reinforcements if it were decided to send them. As to the telegram, with the exception of a few words of it which he had read to the House, it related to Departmental matters, and therefore could not be produced.

CATHEDRAL STATUTES BILL.—(No. 4.)

(*The Lord Bishop of Carlisle.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE BISHOP OF CARLISLE, in moving that the Bill be now read a second time, said, that the cathedral bodies of this country were divided into two classes—those of the old foundation, which consisted of the cathedrals exist-

ing previous to the time of Henry VIII., and those of the new, about 12 in number, which were, in fact, monastic bodies transformed into Deans and Chapters. There were important differences between the old and the new foundations; but, so far as the present Bill was concerned, the principal difference between the two classes was that while the old foundations possessed the power of altering and amending their statutes with the consent of the Visitor, the new foundations had no such power. Henry VIII. did, indeed, give statutes to the new cathedrals; but they were not under the Great Seal and no legal authority. Several attempts were made to put the statutes upon a proper footing; but it was not, from various causes, until the time of Queen Anne that an Act was passed to legalize them, and she died before she had exercised the power of re-modelling the statutes granted to her by that Act. The statutes of the cathedrals had become antiquated; officers were appointed who had no duties to perform; the statutes contemplated a Communion table which did not exist, regulations were made which could not possibly be carried out, and many things had become absurd by simple lapse of time. Again, there was a very strong objection to these antiquated statutes, on the ground that conscientious people did not like to swear to observe statutes which they knew they could not keep; and great difficulty was experienced when disputes arose between Bishops and Deans and Chapters, or in other cases. He himself had plenty of power in his own cathedral; but in some cases the Bishop of the diocese had very little power. The Bishop of Ely, for example, was actually not able to preach on any day in the year in his own cathedral except by permission of the Dean and Chapter. There had grown up in connection with the cathedrals a body of honorary canons, who received no emoluments; of this he did not complain, as there was no funds out of which emoluments could be granted to them; but if these canons could be placed on something like the same footing as the prebendaries of the old foundations it would raise the value and status of the office. Things could not be set right except by an Act of Parliament. His Bill gave the power of revision to the Sovereign, not for the life of Her Majesty, but for the lives of Her

Majesty and Her Successors, and it then provided the machinery of revision. The initiation of the matter was given to the Dean and Chapter, if they thought fit to make use of the machinery of the Bill. It was then proposed in the Bill that when the Dean and Chapter had drawn up a draft scheme of revision it should be laid before the Bishop. When the Dean and Chapter and the Bishop had determined how the statutes were to be revised, the scheme upon which they had agreed was to be submitted to the Ecclesiastical Commissioners, and, if approved by them, laid before the Queen, when it would become law in the manner in which schemes of the Ecclesiastical Commissioners in new districts and the like now did. He might be asked why, when he was a Dean himself, he had not tried to do something in this manner? That he had done, for he had procured the introduction of a clause into a Bill of the Ecclesiastical Commissioners when he was himself Dean, with the approval of the then Prime Minister (Earl Russell); but there was a change of Government at the time, and it being thought that the moment was inconvenient for bringing forward the matter, at the request of the late Lord Derby the clause was dropped. Again, it might be said that this matter did not concern him as a Bishop; but, in reply, he said it did, because, by reason of the non-revision of the statutes, difficulties had arisen in connection with his own cathedral, and, as Visitor, he had been called on to deal with them. A Royal Commission *ad hoc* had been suggested as an alternative plan to the one provided in his Bill. He had no objection to such a Commission, but it would entail a considerable expense, and he did not know how far it would be viewed with favour by the Chancellor of the Exchequer. He was not wedded to the details of his own plan. On the contrary, he had, from the first, expressed his wish to see the Bill subjected to examination by a Select Committee of their Lordships' House if it were read a second time. It had been said, as an objection to what he proposed, that it would be dangerous to place the duty of revision in the hands of the Dean and Chapter; but he asked their Lordships to bear in mind that he only proposed to give to the Deans and Chapters of the new foundations the

same power as was now vested in the Deans and Chapters of the old foundations, and that those bodies had not abused their powers. He accepted the resolutions passed with reference to his plan by the Lower Houses of the Convocations of the Provinces of Canterbury and York as virtually votes in favour of the second reading of the Bill. It was true that at a meeting of Deans of the new foundations, held on April 4, a resolution was adopted declaring that to his Bill there were serious objections, both in principle and detail, and that it was desirable to offer to the measure the unanimous opposition of those assembled. He had, however, received letters from Deans and Canons who were not present at that meeting, stating that they did not sympathize in its views, and even some of those who were present at it had written to him to say that if he submitted to some modifications everybody would be with him. The Dean of Bristol had opposed the Bill in a pamphlet; and asked why, if the Bishop of Carlisle's object was to confer on Her Majesty and Her Successors the powers which the Act passed in the reign of Queen Anne only conferred on that Sovereign for her life, he had not proposed that in a Bill of a few words? His reply was that a power given to the Sovereign would never be acted on unless machinery for carrying it out was provided by the Act. The person who objected to such legislative machinery being provided was like a person who would say, "Let us have steam; but I object to machinery."

Moved, "That the Bill be now read 2^d."
—(*The Lord Bishop of Carlisle.*)

THE ARCHBISHOP OF CANTERBURY, whilst fully sympathizing with the intentions of his right rev. Brother, was of opinion that the Bill would not effect the object in view. That object, moreover, was too limited in its scope, and was hardly well worthy of being made the subject of legislation. The Bill would apply to only a small number of cathedrals. His right rev. Brother had told the House that the Deans and Chapters of the older cathedrals had already the power of altering their statutes. If they had, they had scarcely ever used it, nor did he see any probability of their doing so. The statutes of the old cathedrals were ancient and very unsuited to the present time, quite

The Bishop of Carlisle

as unsuited as were the statutes of the new foundations. Why there should be legislation for the statutes of the new foundations, while those of the old were left untouched, was what he did not exactly see. The fact that the old foundations had not used their power in respect of revision, if such power was possessed by them, showed that there was something in the cathedral bodies which made them very averse from change; and, therefore, the passing of this Bill would be simply leaving matters where they were. They were too conservative in their instincts, and individual influence was too great in so small and select a body to hope for much spontaneous action in the direction of reform. That considerable changes were necessary and desirable he did not deny; but they would not, he thought, be brought about by the cathedral bodies themselves unless a distinct suggestion were made in that direction by the Government. Again, statutes had very little influence in the government of the cathedrals. They were governed, not by statutes, but by customs, which had all the force of law in the minds of those who administered their affairs. He was of opinion that there was a necessity for change in this matter; but that change was not likely to originate in the cathedral bodies—it must be suggested by others. It was a fatal blot in this Bill that it placed the initiative in the hands of the body which required to be reformed. The Act of Anne went on the principle of reformation from without. It must be borne in mind, too, that some of the most marked difficulties that had arisen were in connection, not with new, but with old foundations. A difficulty so important had arisen in connection with the cathedral at York that a noble Lord had given Notice of his intention to bring it under the notice of their Lordship's House. A few years ago, it had been found necessary to introduce a special Act of Parliament to alter the relations between the body corporate of the minor canons and the body corporate of the greater canons in the cathedral of St. Paul's. The difficulties that existed before the passing of the Act had thus been removed; but there were a great many other cathedrals in which similar difficulties were continually cropping up. The Bill before their

Lordships did not notice several most important questions which should be dealt with in any legislation worthy of the name. The questions to which he referred related to the payments of the singing men, the position of the almsmen, the cathedral libraries, and the minor canons. He held that most of the evils dealt with by his right rev. Brother were imaginary. He was strongly in favour of altering the old Roman Catholic statutes; but any new legislation that was introduced should not confine itself to such alteration. A Commission had, some years ago, reported at great length on the subject before their Lordships, and some of their recommendations had been embodied in legislation, but not all. It might be the opinion of Her Majesty's Ministers that the time had not arrived to ask Parliament to appoint a Commission with legislative powers, as had been done in the case of the Universities; but as 25 years had elapsed since the appointment of the last Royal Commission in connection with cathedrals, and as great changes had taken place in that period in public opinion, it might not be undesirable to refer the matter to another Royal Commission, who could take it up where it was left by their predecessors. Some such course he believed ought to be taken, and he had no doubt that it would be, if not now, at some future time. He was, for his part, anxious that no time should be lost, as it was dangerous to put off such changes as he contemplated for an indefinite period. There could be no doubt that the cathedrals were much better understood at the present time than in the year 1841, the last occasion on which there had been legislation on the subjects under the consideration of their Lordships. The cathedrals were now, in most respects, doing their work admirably; but they were hampered by difficulties which had already been pointed out. One of these, to which he had already alluded, was, in his opinion, almost inherent in the present constitution of cathedral bodies. He referred to the power of obstruction which existed in these bodies. He thought it would be unwise to take steps which would produce no real results, and earnestly hoped that the Government might see their way to call attention, through a Royal Commission or otherwise, to all the difficulties which

his right rev. Brother had brought before their Lordships, and to endeavour to apply some remedies, not merely in the case of the few cathedrals which he had enumerated, but in that of the whole body of cathedrals. These institutions were engaged in work which was being more and more appreciated, and the cathedrals were frequented by classes of persons who would not have thought of entering them 40 years ago. What was now wanted was that every member of these cathedral bodies, being adequately remunerated for his services, should have facilities given him for the discharge of his duties, and that the cathedrals themselves should be gradually raised in the estimation of the community to that high place which they were entitled to hold.

THE EARL OF POWIS said, the Bill had been objected to on the ground that it dealt only with the cathedrals of the new foundation; but that objection did not appear to him to be a very strong one, as the cathedrals of the new foundation differed as much from those of the old as Ireland did from Scotland. The argument that the Bill was imperfect because it did not deal with the cathedrals of the old foundation, was very similar to that of certain gentlemen who objected to a Bill about tenant right in Ireland because it did not deal with the Law of Hypothec in Scotland. The Bill only sought to give to the new foundations the powers now possessed by the old; powers which the Chapter of Hereford had exercised as regarded their College of Vicars' Choral. He trusted their Lordships would read the Bill of the right rev. Prelate a second time, on the understanding that it should be referred to a Select Committee of their Lordships' House.

THE EARL OF BEACONSFIELD: I think, my Lords, we are all agreed that some change is necessary in the capitular bodies of cathedrals. So far as the Bill of the right rev. Prelate is concerned, I think its object is one that ought to be encouraged. But then, my Lords, it does not meet many cases which appear to me to require to be considered and dealt with. So far as my own experience is concerned, I have had, in my official position, much correspondence respecting what I regarded as a great anomaly in one of our principal cathedral bodies.

The Archbishop of Canterbury

But that is a cathedral of the old foundation; and, therefore, the Bill of the right rev. Prelate would not at all offer any remedy in that case, which is, I think, one that requires attention. It is necessary, when we are considering this question, that we should not embark on one of those long investigations which sometimes absorb years, and end in proposing results quite disproportionate to the original necessity which justified any movement in the question. I should be myself favourable to the idea thrown out by the most rev. Prelate that we ought to meet the difficulties which we have to encounter rather by previous inquiry than by immediate legislation. But, in that case, if a Royal Commission were appointed to carry out the investigation, I should be glad that arrangements should be made to procure Reports from time to time from the Royal Commissioners—that they should report with respect to each cathedral, for example, and state what they might recommend should be done in each case. In that way, my Lords, I think we might come to some discreet and judicious limitation of the investigation. As I have said, I am favourable to the suggestion of the most rev. Prelate. I think that something ought to be done. There are anomalies which ought to be removed after due investigation, and I believe that the most prudent course to adopt would be the appointment of a Royal Commission. So far as Her Majesty's Government are concerned, that, my Lords, is their opinion, and they are prepared to act upon it.

THE BISHOP OF CARLISLE said, that after the favourable statement just made by the noble Earl he was ready to withdraw the Bill.

Motion and Bill (by leave of the House) *withdrawn*.

HABITUAL DRUNKARDS BILL.—(No. 24.)

(*The Earl of Shaftesbury.*)

COMMITTEE.

House in Committee (according to Order).

Preliminary.

Clause 1 (Short title) *agreed to*.

Clause 2 (Commencement of Act).

EARL BEAUCHAMP said, the Government objected to this clause as it stood, inasmuch as it withdrew retreats conducted by philanthropic or charitable associations from the direct control of Parliament, while in seven years it would put an end to private retreats. Now, no one would go to the expense of establishing a private retreat upon such terms; and he proposed to remove the restriction, and make the Act temporary, so that at the end of a certain time Parliament could re-consider the question, allowing such retreats as it found properly conducted to continue.

Amendment moved—

To leave out after "eighty" to end of clause, and add, at end, "and shall be in force until the expiration of seven years from the passing thereof, and to the end of the then next Session of Parliament."—(*The Lord Steward.*)

THE EARL OF SHAFTESBURY objected to the alteration, on the ground that such a provision would defeat the object of the Bill by preventing people from investing capital in private retreats as a speculation.

THE ARCHBISHOP OF YORK observed, that public retreats would suffer equally from the proposed Amendment, inasmuch as the public would be unwilling to subscribe for the erection of an institution which was liable to be abolished in seven years.

Amendment agreed to.

Clause, as amended, *agreed to.*

Clause 3 (Interpretation).

THE EARL OF SHAFTESBURY pointed out that in the definition of "retreats" he wished to draw as wide a distinction as possible between the institutions for habitual drunkards and lunatic asylums.

THE ARCHBISHOP OF YORK moved an Amendment after ("person,") insert ("of sound mind,")—with the object of preventing these retreats being used as lunatic asylums.

LORD SELBORNE said, that he feared the addition would give rise to fresh difficulties.

THE LORD CHANCELLOR suggested the insertion in the definition of the words ("not being amenable to any jurisdiction in lunacy.")

THE EARL OF SHAFTESBURY and THE ARCHBISHOP OF YORK accepted the suggestion.

Amendment made accordingly.

Further Amendments made.

Then, on the Motion of the Archbishop of York, a further Amendment made by inserting after ("intoxicating liquor,") the words ("at times") dangerous to himself or others.

VISCOUNT GREY DE WILTON moved an Amendment, to include habitual opium eating with habitual excess in partaking of alcoholic liquors.

LORD STANLEY OF ALDERLEY suggested that the word "narcotics" should be used instead of opium, as there was great abuse of morphia, chloral, and other narcotics, often through the bad advice of the doctors.

THE EARL OF SHAFTESBURY replied, that the subject was too important to be introduced without Notice, and that to adopt the suggestion might imperil the Bill.

EARL BEAUCHAMP also remarked that if they used the word "narcotics" they might include tobacco.

Amendment (by leave of the Committee) *withdrawn.*

Clause, as amended, *agreed to.*

Clause 4 (Incorporation of Schedules, with forms and rules therein); and Clause 5 (Local authority and clerk of local authority) *agreed to.*

Retreats.

Clause 6 (Establishment of retreats).

THE BISHOP OF PETERBOROUGH objected to the clause on the ground that it would be a convenience to have the power of using private lunatic asylums as retreats.

THE BISHOP OF CARLISLE supported the clause. He thought it most desirable that the widest possible distinction should be kept up between lunatic asylums and retreats.

On Motion of the Archbishop of York, Amendment made at end of clause, add—

"One, at least, of the persons to whom a licence is granted shall reside in the retreat, and be responsible for its management."

Clause, as amended, *agreed to.*

THE ARCHBISHOP OF YORK moved to insert, after Clause 6, new clause—

(To whom licence not to be given.)

"No licence shall be given to any person who is licensed to keep a house for the reception of lunatics without the consent of the Commissioners in Lunacy."

THE EARL OF SHAFTESBURY thought it would wreck the Bill if these retreats were in the slightest degree to be mixed up with any question of the control of the Lunacy Commissioners. He would consent to the insertion of the clause if the reference to the Commissioners in Lunacy were omitted.

Clause amended accordingly, and agreed to; and added to the Bill.

Remaining clauses agreed to, with Amendment.

The Report of the Amendments to be received on *Friday the 23rd instant*; and Bill to be *printed* as amended. (No. 86.)

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 15th May, 1879.

MINUTES.]—WAYS AND MEANS—considered in Committee—£6,694,816, Consolidated Fund.
PUBLIC BILLS—Ordered—First Reading—University Education (Ireland) [183]; Metropolitan (Whitechapel and Limehouse) Improvement Scheme Amendment* [184].
Second Reading—Hares (Ireland) [165].
Committee—Army Discipline and Regulation [88]—R.F.

QUESTIONS.

COLLEGE OF SCIENCE, DUBLIN— PROFESSOR GALLOWAY.

QUESTION.

MR. LYON PLAYFAIR asked the Vice President of the Council, Whether it is true that Professor Galloway has been dismissed from his Professorship of Chemistry in the College of Science, Dublin, after twenty-three years' service, during which he has carried on efficient laboratory instruction, as evidenced by various

Parliamentary Returns (Nos. 67, 1873; 219, 1878; and Report on Scientific Institutions, 1864); and, whether he objects to lay upon the Table any Paper explaining the grounds for dismissal?

LORD GEORGE HAMILTON: It is quite true that Professor Galloway's services have been dispensed with from the termination of the present session of the College of Science in Dublin. As Professor Galloway had been connected with the College for 23 years, it is, I trust, scarcely necessary to inform the House that the Lord President and I only adopted this course after the most careful and anxious consideration, and when we were convinced that it was absolutely necessary for the welfare of the College of Science, for which we are responsible. There will be no objection to lay upon the Table letters and papers from the Science and Art Department, which will explain our grounds for acting as we have done.

CRIMINAL LAW—MANSLAUGHTER OF A GAME-WATCHER—THE SENTENCE.

QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether his attention has been called to the case of four men sentenced at Stafford, on the 3rd of May, to penal servitude for life, for 20 years, and for 15 years (two) respectively, on account of the death of a game watcher in a poaching affray; and, whether he will cause inquiry to be made with a view to the mitigation of the sentence?

MR. ASSHETON CROSS: The learned Judge who tried this case informs me that he is quite sure, if the hon. Member had known the circumstances, he would never have thought of putting the Question. These four men were out, armed, at night, and they were tried for wilful murder; and, in the opinion of the Judge, it was a very merciful jury that let them off on that charge, and found them guilty of manslaughter. The offence, as the hon. Member knows, does not consist in poaching; but in going out by night, armed, and in gangs. The poor man who was murdered was simply a farm labourer. Two farm labourers were called out to watch, and four men came up to one of them—they were not keepers, but watchers—who ran away, and was pursued by the four men.

They made a most violent attack upon the poor fellow, and injured him in such a horrible manner that I will not describe it to the House. I am bound to say that, in my opinion, the sentence is not at all too severe.

CUSTOMS DEPARTMENT—THE RE-ORGANIZATION SCHEME.

QUESTIONS.

MR. RITCHIE asked the Secretary to the Treasury, with reference to his statement that no further delay need occur in the issue of the re-organization scheme for the Customs Department after the reports that had been called for from that Department had been received, Whether such reports have now been received by the Treasury; and, if so, when the scheme will be issued?

MR. PEASE asked, When the decision on the scheme for the improvement of the position of the Customs Establishment, mentioned at page 32 of Parliamentary Paper No. 106 (ordered to be printed on 19th March 1879), is to be produced for the information of the officers in the Customs Establishment?

SIR HENRY SELWIN-IBBETSON, in reply, said, that different branches of the Customs Department had been dealt with separately in Reports from the Customs to the Treasury. These separate Reports required, each of them, very careful consideration, and the last of them was only received on the 7th of April. Three of the most important of the schemes proposed had been considered and approved generally, and no delay would take place in the consideration of the others. The moment all were considered no time would be lost in bringing the re-organization scheme into operation.

ADMIRALTY AND WAR OFFICE REGULATION ACT—THE SECRETARIAT OF THE ADMIRALTY.—QUESTION.

MR. CHILDERS asked the First Lord of the Admiralty, with reference to the Admiralty and War Office Regulation Act of last Session, Whether any steps have been taken to deal with the Secretariat of the Admiralty?

MR. W. H. SMITH, in reply, said, some six weeks ago application was made to the Treasury for a Committee

to inquire into the Secretariat of the Admiralty, and he was daily in expectation of receiving communications.

PUBLIC HEALTH ACT—SUPERVISION OF SLAUGHTER-HOUSES.

QUESTION.

SIR EARDLEY WILMOT asked the President of the Local Government Board, Whether, if public slaughter-houses for killing butchers' meat cannot be established throughout the country, after the manner of many Continental States, Her Majesty's Government will not consider the propriety of bringing private slaughterhouses and other places used for killing animals for human food more directly under Government supervision, as well for economic and sanitary purposes as to prevent the cruelty to animals often practised under the present system?

MR. SCLATER-BOOTH: In reply to my hon. and learned Friend's Question, I may be permitted, perhaps, to state what the law is on this subject. My hon. and learned Friend is aware that the whole of the Kingdom is under the jurisdiction of urban or rural sanitary authorities. With regard to the former, the Public Health Act enables all urban sanitary authorities to provide slaughter-houses and to make by-laws for their management; and, as regards private slaughter-houses, urban sanitary authorities are empowered by the same Act to make regulations for the licensing, registering, and inspection of such slaughter-houses, for preventing cruelty therein, and for keeping the same in a proper sanitary condition. Moreover, the Local Government Board may, on the application of any rural sanitary authority, confer upon them all the above-mentioned powers regarding slaughter-houses. The Local Government Board have issued a series of model by-laws for the regulation of slaughter-houses, which have been adopted in numerous instances. Such being the existing provisions of the law, I am asked whether I will consider the propriety of bringing slaughter-houses under Government supervision? But I must say that, having regard to the duties and responsibilities thus vested in the local authorities, I cannot think it would be expedient to adopt the course proposed.

INTOXICATING LIQUORS (IRELAND)
BILL.—QUESTION.

MR. O'SHAUGHNESSY asked the honourable and learned Member for Louth, Whether, having regard to the advanced stage of the Session, the desirability of pushing on many Irish measures of importance now pending, and the virtual impossibility of continuing the discussion of the Intoxicating Liquors (Ireland) Bill, he will move that the Order for its Second Reading be discharged?

MR. SULLIVAN: I quite agree with my hon. and learned Friend that it is desirable to push on Irish measures as much as possible, and I should, therefore, be glad to push on this particular one. I feel, however, that while, on the one hand, it would be exceedingly undesirable to leave it on the Paper from week to week without its being possible to discuss it, it is due to hon. Members who are opposed to it to endeavour to give them an opportunity of arriving at its discussion; and, therefore, if I cannot bring on the discussion in a week or so, I shall move that the Order be discharged.

IRISH CHURCH TEMPORALITIES COM-
MISSIONERS—MR. BALL.

QUESTIONS.

MR. SULLIVAN asked Mr. Chancellor of the Exchequer, If his attention has been called to the proceedings in the Court of Appeal, Dublin, on Tuesday last, in reference to the claims of Mr. Ball, late Solicitor to the Irish Church Temporalities Commissioners, opposed by the Treasury; more especially to the language of the Master of the Rolls, who, in delivering judgment, is reported to have said—

"A more discreditable or more disgraceful course was never pursued than that adopted by the Treasury before Judge Flanagan;"

and the language of Mr. Justice Deasy, who said—

"It was one of the most unjust attempts ever made in a court of justice to defraud a man of money due to him for plain services under a contract sanctioned by the very people who now come forward to oppose him;"

and, if he can inform the House what Government Department or what Government official directed and is responsible for the proceedings thus characterised by the Irish Judges?

THE CHANCELLOR OF THE EXCHEQUER: The Question of the hon. and learned Gentleman is—what Department of the Government is responsible for the proceedings to which he has called attention? I have to say that it is the Department of the Lords of the Treasury. With respect to the circumstances to which his Question refers, I can only say it is a long story, and I could not possibly trouble the House by going fully into it; but I will endeavour, in an observation or two, to make the matter plain. The remarks referred to as having been made by the learned Judge were delivered under a misunderstanding as to the course which the Treasury had pursued. The state of the matter appeared to be this—By the Irish Church Act, the Church Temporalities Commissioners were authorized to pay various officers such salaries as might be recommended and sanctioned by the Lord Lieutenant and approved of by the Treasury. In regard to Mr. Ball there were two alternatives—that he should be paid by fixed salary, or that he should be paid by fees. The Treasury were asked to choose which alternative they preferred, and they preferred the former. They understood certain letters as meaning that the fixed salary was to cover all the services that would otherwise have been paid by fees. A question arose, however, as to whether it did cover certain classes of fees. In the litigation that followed Justice Flanagan upheld the view taken by the Treasury, and the case was so decided; but, subsequently, it was taken before the Court of Appeal, when the former decision was reversed, and the other view taken. I do not express any opinion as to which view was right; but I think the view expressed by the learned Judge was stated under a misunderstanding that could be easily explained.

MR. SULLIVAN: Might I ask the right hon. Gentleman was the Treasury represented by no one before the Court of Appeal that could explain the matter; and if not, why not?

THE CHANCELLOR OF THE EXCHEQUER: The Treasury was not represented directly at the suit. The suit was one between the Church Temporalities Commission and Mr. Ball, and the Treasury was not represented by anyone. I regret it was not, and I am unable to account for it.

Mr. MELDON: Sir, I beg to give Notice that to-morrow I shall ask the Chancellor of the Exchequer whether the Treasury intends to appeal to the House of Lords?

POST OFFICE—AUSTRALIAN COLONIES
—CONVEYANCE OF MAILS.

QUESTION.

Mr. BAXTER asked the Postmaster General, If the Post Office has employed any line, other than that of the Peninsular and Oriental Company, of full powered steamships, for the conveyance of the Mails to and from Australia; and, if so, whether he can state the average time occupied by such steamers, as compared with those of the Peninsular and Oriental Company; why tenders were not invited for the conveyance of the Mails direct between this Country and Australia; if there will be any objection to lay upon the Table of the House the Correspondence which has taken place with the Australian Colonies on this subject; and, if he can state to the House, in the event of the Contract of the 7th of February being ratified, what sums are to be received from the Australian Colonies for the conveyance of their Mails between this Country and Point de Galle?

LORD JOHN MANNERS: Since the beginning of 1874, the Imperial Post Office has not employed any line of steam vessels for the conveyance of mails to and from Australia, the conveyance of all such mails from Point de Galle, Singapore, and San Francisco having been provided for by the Governments of the several Australian Colonies. Bags of ship letters have, at intervals during the last two years, been despatched from the United Kingdom by steam vessels other than those of the Peninsular and Oriental Steam Navigation Company; but the Post Office has no record of the average time occupied on each voyage by such steam vessels. Tenders were not invited by the Home Government, because, as already stated, the arrangements have been left in the hands of the Australian Colonies. There has been no Correspondence between the Post Office and the Australian Colonies on the subject. The arrangements under which the Australian Mails will be conveyed between this country and Point de Galle, in the event of the contract of

the 7th of February being approved by the House of Commons, are being considered at the Treasury. But there is no reason to suppose that any sums will be received on that account from the Australian Colonies.

ARMY MILITARY PENSIONS—ROYAL
WARRANTS, 1877, 1878.—QUESTION.

COLONEL ARBUTHNOT asked the Secretary to the Treasury, Whether he is aware that certain officers who retired from the Army on pensions under the provisions of the Royal Warrants of 1877 and 1878, and who now hold appointments in the Prison Department, are precluded from drawing any portion of their pensions; that one of these officers is actually drawing less income by £55 10s. per annum than he would be in receipt of if he drew his pension and were not serving the State; if he would state under what Clause of what Act the withholding of these Military pensions is justifiable; and, whether it is intended to place all retired Military and Naval officers who may be holding Civil appointments on the same footing as other Civil servants, viz. that they shall be permitted to draw their pensions until their Civil salaries amount to three times their pensions on half-pay?

SIR HENRY SELWIN-IBBETSON: I am aware of the cases referred to by my hon. and gallant Friend. The withholding of the military pensions is in accordance with Clause 1,174 of the Royal Warrant of May 1, 1878; but, inasmuch as considerable dissatisfaction has been caused in several cases by the operation of that clause, it has been arranged by the Secretary of State for War that representatives of the War Office and Treasury should meet and discuss the conditions under which the clause shall be applied in future.

TREATY OF BERLIN—ARTICLE 23.

QUESTION.

SIR GEORGE CAMPBELL asked Mr. Chancellor of the Exchequer, Whether, since it has been officially stated that all the provisions of the Treaty of Berlin have been or are being duly carried out, except that portion of the twenty-third Clause which provides that institutions analogous to those of Crete shall be granted to those parts of European

Turkey not specially provided for, he can say whether Her Majesty's Government are determined to insist on the fulfilment by the Turks of the stipulations in consideration of which they were saved from extinction, as firmly as they have insisted on the stipulations by which the advance of Russia was restrained?

THE CHANCELLOR OF THE EXCHEQUER: Her Majesty's Government have more than once pressed upon the Porte the importance of taking speedy action under the 23rd clause of the Treaty of Berlin; and representations to that effect have recently been repeated.

ISLAND OF CYPRUS—ORDINANCES OF THE LEGISLATIVE COUNCIL.

QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether Sir Garnet Wolseley has sent home Copies of all Ordinances enacted by the Council in the Island of Cyprus; and, whether in any case the Cyprus Ordinances will be laid before Parliament, or placed from time to time in the Library of the House?

MR. BOURKE: Many of the Ordinances passed by the Legislative Council in Cyprus have been received; but I am not quite sure that we have as yet received all. I said some little time ago that I should place these Ordinances in the Library, and that I purpose to do before very long.

SOUTH AFRICA—THE ZULU WAR—THE EXPENSE.—QUESTION.

MR. CHILDERS asked Mr. Chancellor of the Exchequer, When the Estimates of the Expenditure of the War in South Africa during the present financial year may be expected to be laid upon the Table?

THE CHANCELLOR OF THE EXCHEQUER: I am anxious to lay the Estimate upon the Table as soon as I am in a position to submit an Estimate that would give information to the House. The same reason that prevented me laying one before the House at the time of the Budget still prevents me doing so, until we get some further information. I hope that before long we may be in a position to propose a Vote of Credit. Of course, before the close

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of the Session it will be necessary for us to do so, and I hope it will be at an early date. As soon as I am in a position to place a Supplementary Estimate before the House on which any reliance can be placed, I shall be happy to do so.

THE MEDICAL BILLS—THE SELECT COMMITTEE.—QUESTION.

MR. LYON PLAYFAIR asked the Vice President of the Council, Whether the Select Committee to which he proposes to refer the Medical Bills before the House is to have powers to summon witnesses and hear evidence from Universities and Corporations affected by the Bills?

LORD GEORGE HAMILTON: Sir, it is proposed to give power to summon witnesses. What witnesses may be summoned depends on the decision of the Committee.

THE SAMOAN ISLANDS.—QUESTION.

COLONEL MURE asked the Under Secretary of State for Foreign Affairs, Whether he can give the House any information as to a Treaty lately concluded between Germany and the Government of the Samoan Islands, by which certain rights of property have been guaranteed to German subjects in those islands; and, whether British subjects in those islands have complained that under Article 6 of the said Treaty their proprietary rights are endangered?

MR. BOURKE: I think my hon. and gallant Friend is correct in supposing a Treaty has been lately made between the Governments referred to. Last January the German Consul in Samoa communicated to Her Majesty's Consul a Treaty which had been made between the German Government and the Government of the Samoan Islands about that time. It was at once ratified by the Samoan Government; but we have not heard whether it has been ratified by the German Government. We have received a copy of the Treaty; but have had no complaints from British subjects or others affected by it.

THE LAW OF DISTRESS—LEGISLATION. QUESTION.

COLONEL BARNE asked Mr. Chancellor of the Exchequer, Whether the Government intend to introduce a Bill

to amend the Law of Distress; and, if so, whether they will be able to lay it before Parliament this Session?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, it would not be possible for the Government to introduce a Bill this Session to amend the Law of Distress.

EDUCATION DEPARTMENT—
TEACHERS' SALARIES.—QUESTION.

MR. SAMPSON LLOYD asked the Vice President of the Council, Whether, in the Return, No. 3, in Parliamentary Paper, No. 71, of Session 1879 (which gives the average salaries of teachers in various schools), the principal teacher only of each school is reckoned in computing such average, or whether all the teachers of every grade are so reckoned?

LORD GEORGE HAMILTON, in reply, said, the Return included all the teachers who held certificates.

POST OFFICE, EDINBURGH.
QUESTION.

MR. M'LAREN asked the Postmaster General, Whether, referring to applications which have been made at various times on the part of the Telegraph Clerks in the City of Edinburgh Post Office, it is intended to raise their pay to an equality with that given to the Clerks in the principal towns in England performing similar duties; and, if so, when the advance will take place.

LORD JOHN MANNERS: The telegraph establishment of the Edinburgh Post Office has been recently revised, and there is no intention of making any alteration in the existing scales of pay.

SOUTH AFRICA—ESTIMATE OF MILITARY EXPENDITURE.—QUESTION.

MR. WHITWELL asked Mr. Chancellor of the Exchequer, If the Government will lay upon the Table of the House the Correspondence which has passed between the Home Government and the authorities of the Colonial dependencies in South Africa as to the expenditure incurred by the Home Government for Military Expenditure and Military Stores up to the close of the year ending on March 31st last on behalf of any or all of the above Colonial dependencies?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that Papers were now being prepared.

ARMY—THE 60TH RIFLES—COURT MARTIAL.—QUESTION.

MR. FRENCH asked the Secretary of State for War, Whether he will be able to lay upon the Table of the House Copies of the Evidence produced at the trial by Court Martial in South Africa of a sergeant of the 60th Rifles for retiring a picket on an alarm of the enemy without the order of his officer, at which he was sentenced to five years' penal servitude and reduction to the ranks?

COLONEL STANLEY: I have not yet received the Papers to which the Question refers, and I am bound to modify the answer I made the other day, in which I stated that the Papers were privileged. In the strict sense of the word they are not; but it is only when special causes have been assigned that it has been considered convenient that such Papers should be produced. Until I have seen the Papers I am not able to say whether there is anything special in their character or not. I expect them by the next mail.

PUBLIC WORKS LOANS COMMISSIONERS—THE REPORT.—QUESTION.

GENERAL SIR GEORGE BALFOUR asked the Secretary to the Treasury, If he can arrange to furnish the House, before the debate on the Public Works Loans Bill comes on, with an Account of the Public Works Loans Commissioners for the year ending 31st March 1879, with an explanatory note of the errors to the Account of those Commissioners for the year ending 31st March 1878?

SIR HENRY SELWIN-IBBETSON, in reply, said, he hoped to be able to present in the course of next week the annual Report and Accounts of the Public Works Loans Commissioners, in which explanatory notes of the errors referred to would appear; but he could not promise to wait until it was in the hands of hon. Members before proceeding with the Public Works Loans Bill.

BLIND AND DEAF-MUTE CHILDREN (EDUCATION) BILL.—OBSERVATIONS.

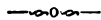
MR. MONK, who had the following Notice on the Paper:—

"To ask the President of the Local Government Board, Whether he has come to a decision as to the desirability of placing Amendments on the Paper showing the conditions and qualifications upon which the Government had assented to the Second Reading of the Blind and Deaf-Mute Children (Education) Bill,"

said, the Question bore a very faint resemblance to the Question he had placed in the hands of the junior Clerk at the Table. Indeed, two Questions had been jumbled into one, so as to make them meaningless and absurd. He, therefore, declined to put the Question; and would simply ask, what steps it was intended to take with respect to the Blind and Deaf-Mute Children (Education) Bill? He would remind the Government that on the 26th March they consented to the second reading of the Bill with certain qualifications.

MR. SCLATER-BOOTH said, the Bill now contained Amendments he had suggested with the view of making its provisions permissive; and he did not, therefore, think it his duty, on the part of the Government, to offer any further opposition to it.

M O T I O N.



PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.

THE CHANCELLOR OF THE EXCHEQUER, in moving—

"That the Orders of the Day subsequent to the Army Discipline and Regulation Bill be postponed until after the Notice of Motion for leave to bring in a Bill for promoting University Education in Ireland;"

said, he made the Motion in accordance with a promise which he had given the other evening to the hon. Member for Roscommon (the O'Connor Don), which was partly dictated by the consideration that the Government, by fixing a Bill of their own for a Morning Sitting, had prevented him from bringing forward his Bill on the occasion on which he would otherwise have done so. He (the Chancellor of the Exchequer) wished to take that opportunity of saying that the business-like spirit in which the Army Discipline and Regulation Bill had been discussed encouraged the Government to hope that they would be able to make further progress with that measure that night; and he trusted that the House might be disposed to allow them to take a Morning Sitting to-morrow, in order to

go on with it, so that they might, if possible, get it through Committee before the House rose for the Whitsuntide Holidays.

MR. NEWDEGATE asked the Chancellor of the Exchequer when he intended to take the Customs and Inland Revenue Bill? The House was aware that he had a Notice of some importance to be considered before the second reading of that Bill. He would also like to know when it was proposed to take the Criminal Code (Indictable Offences) Bill? At present it stood for Tuesday next; but it appeared to him impossible that the Government should propose to go on with it before the Whitsuntide Recess.

MR. KNATCHBULL-HUGESSEN said, that having balloted with praiseworthy perseverance during the Session, he had obtained first place to-morrow for his Motion on the subject of Brewers' Licences, and he thought it rather hard that at the very last moment Notice of a Morning Sitting should be given, which placed him at a disadvantage. He hoped the Government would take steps to make and keep a House at the Evening Sitting.

SIR JULIAN GOLDSMID called attention to the fact that it was only at the last moment the Government informed the House that they proposed to hold a Morning Sitting; and he would ask the Chancellor of the Exchequer whether, in future, it would not be possible for him to give some longer and more formal Notice with reference to the intention of the Government to hold Morning Sittings?

SIR ALEXANDER GORDON hoped the Government would not put down the Army Discipline and Regulation Bill for the Morning Sitting. This was a Bill in which he had several important Amendments to propose; and as he was also a Member of the Parliamentary Reporting Committee which would meet at 12 o'clock to draw up their Report, and this was also a subject in which he took a great interest, he trusted the Government would not then take the Army Discipline and Regulation Bill.

MR. E. JENKINS seconded the appeal of the hon. and gallant Gentleman, and pointed out the inconsistency of the reasons advanced by the Government for these Morning Sittings. Last year the Government excused themselves for taking early Morning Sittings because of the opposition offered to the Mutiny

Mr. Monk

Bill. This year they appeared to ask for it because of the business-like way in which the House had carried through the Business. Therefore, whether they opposed or facilitated Business, the Government seemed equally determined to have Morning Sittings.

MR. A. MILLS considered the Army Discipline and Regulation Bill of much more importance than the question of Parliamentary Reporting, and he trusted the Chancellor of the Exchequer would proceed with it. He had himself a Notice on the Paper for to-morrow evening, but would willingly sacrifice it in order to promote Public Business.

MR. J. HOLMS intimated that immediately the House got into Committee on the Army Discipline and Regulation Bill he should move that the Chairman do report Progress, in order that he might, in his humble judgment, save the time of the House by drawing the attention of the Committee to the real state in which they were in relation to that Bill. He thought it only fair and courteous to the House and the Government to state his intentions, and if the House wished, he would at once give his reasons for taking the step he proposed. [*Cries of "No," and "Go on."*] He would state his reasons when the House was in Committee.

THE CHANCELLOR OF THE EXCHEQUER stated, in reply to the hon. Member for North Warwickshire (Mr. Newdegate), that the second reading of the Customs and Inland Revenue Bill would be moved on Monday after Supply, and that it was proposed to close Supply in good time, so that the Bill might be conveniently taken and discussed afterwards. With regard to the Criminal Code (Indictable Offences) Bill, he was not at that moment in a position to answer all the Questions that had been asked, and he would be obliged to hon. Members if they would put them down on the Paper, so that he might consult the Attorney General. With regard to the observations of the hon. Member for Dundee (Mr. E. Jenkins), he must demur to the idea that Morning Sittings were merely to be regarded as punishments; and in proposing them the sole object of the Government was to promote, in the best way they could, the Business of the House. He quite agreed that it was inconvenient that sudden Notice should be given of them; and it

was only in consequence of what had occurred in regard to the Army Discipline and Regulation Bill that he proposed to take the course which he had stated. He hoped that the House would consider the precedents, and would consent to a Morning Sitting on each of the two following Tuesdays, in order that they might make a real and important effort to get through the Bill before Whitsuntide. The Bill was one which ought to become law, certainly not without due consideration, but within a limited period. He would assure the right hon. Gentleman (Mr. Knatchbull-Hugessen) that the Government would do the best they could to secure a House for the discussion of his Notice, the importance of which he frankly admitted.

MAJOR NOLAN wished to know whether the right hon. Gentleman could name a convenient day for the Dogs Regulation (Ireland) Act (1865) Amendment Bill, and whether it could be placed as the first Order on the Paper?

MR. DILLWYN protested against the commencement of Morning Sittings a month before the usual time, and gave Notice that on the Motion to adjourn until 2 o'clock to-morrow he would oppose it.

SIR ANDREW LUSK supported the proposal of the Chancellor of the Exchequer. The right hon. Gentleman had been very liberal and kind to hon. Members with regard to the Holidays of the House, and his liberality ought to be met in a similar spirit.

MR. MELDON complained that all Government Orders were placed upon the list nearly every evening, thus causing considerable inconvenience to Members interested in any particular measure, and to the public. There was one Bill down on the Paper before them relating to Ireland, but which he did not wish to mention, and a deputation had come expressly from Ireland to watch its progress, and he did not believe the Government had the slightest intention of going on with it for the next two months. The Bill referred to by the hon. and gallant Member (Major Nolan) excited much feeling throughout Ireland, and Irish Members would find it very convenient if they knew when Irish Bills were coming on. In his opinion, the object of the Government in putting down all their Bills night after

night was the hope of their obtaining a "catch" vote.

THE CHANCELLOR OF THE EXCHEQUER said, it was absolutely necessary that the Bills should be set down, inasmuch as it was impossible to say when a convenient time might arise for their discussion. He would endeavour to arrange with the Chief Secretary for Ireland that the Dogs Regulation (Ireland) Act (1865) Amendment Bill should be brought forward with all due regard to the convenience of hon. Members. He was anxious to give a general Notice as to the time when regular Morning Sitings were to begin, and with regard to others as full a Notice as he could.

In reply to Mr. HIBBERT,

MR. SCLATER-BOOTH said, that after the Army Discipline and Regulation Bill had passed through Committee, it would be proposed to take a Morning Sitting in order to proceed with the Valuation of Property Bill.

Motion agreed to.

Ordered, That the Orders of the Day subsequent to the Army Discipline and Regulation Bill be postponed until after the Notice of Motion for leave to bring in a Bill for promoting University Education in Ireland.—(Mr. Chancellor of the Exchequer.)

ORDER OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE. [*Progress 8th May.*]

Bill considered in Committee.

(In the Committee.)

Clause 30 (Offences in relation to billeting).

COLONEL MURE moved, in page 12, line 27, sub-section 4, after "non-commissioned officer," to insert "or soldier."

Amendment agreed to.

MR. J. HOLMS moved that the Chairman do report Progress. He did so in order to make a few observations which he thought might, perhaps, save the time of the Committee. It appeared to him that if the Committee were to consider the precise position in which they were in relation to this Bill, they might

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come to the conclusion that at the point at which he had arrived they ought to delay going on with the Bill at the present time. They had already had two nights' discussion in Committee upon the Bill; and he thought that discussion, to anyone who had observed it with any care, must have shown very clearly that the Bill was not exactly that which the House was entitled to believe it would receive from the Committee which investigated the question upstairs. He should have been particularly glad to have addressed his observations to the right hon. Gentleman the Secretary of State for the Home Department, who, he thought, would have taken a very judicial view of the position in which they were placed; but he wished particularly to draw the attention of the Government and of the Committee generally to the subject, because he would at once disclaim any Party feeling in the matter. The question was far too important for that. The subject was of such a nature that both sides of the House were equally interested in seeing a sound measure carried; and if the Committee were at all fully acquainted with the history of the Bill, he did not believe that even the Government would be inclined to venture any further in discussing the matter. It must be in the recollection of many hon. Members that last year the Mutiny Bill was very thoroughly discussed, and in that discussion it was made perfectly clear that the penalties in the Bill, and the very severe punishments it imposed, needed to be dealt with with very great care. Moreover, it was made clear that the crimes which arose out of desertion were very numerous, and that the number of prisoners who were imprisoned for crimes which were of no great importance was very excessive. Now, all these crimes were referred to by the Secretary of State for War, who used precisely the language which was used in the House just now—namely, that this was a Mutiny Bill, and that, therefore, it was a question of time, and must be pressed on at all hazards. In that discussion, many promises were made by the Secretary of State for War, with the clear understanding that if the Committee then would allow the Bill to pass quietly, he would take care that all the questions which had been raised should be investigated with great care by the Commit-

tee. In order to make perfectly clear what those promises of the right hon. and gallant Gentleman were, he must ask the attention of the Committee, and especially of the present Secretary of State for War, to those promises which were made by his Predecessor. In relation, first, to the number of desertions, and the excessive number of men in prison, the right hon. Gentleman used these words last year—

"With regard to the question of deserters, that was one which must be carefully considered, and the Committee would be able to investigate the different forms which desertion took. He thought that the number of men who were at present imprisoned for offences which were not of a disgraceful character was excessive." — [3 *Hansard*, ccxxxviii. 1978.]

Nothing could be clearer than that. In relation to punishments, he would not now trouble the Committee with quotations, because he wished to put his case as simply and shortly as possible. The question of flogging was met by several Amendments. There was one by the hon. Member for Leicester (Mr. P. A. Taylor), and another by the hon. Member for Mayo (Mr. O'Connor Power), and the hon. Member for Mayo wished to resist the principle that corporal punishment should be inflicted under any circumstances whatever. Well, the Secretary of State for War then promised that if the hon. Member would not press his Amendment, the subject should be investigated with great care. One hon. Member after another rose and begged the hon. Gentleman not to press the Amendment, but to trust to this investigation by the Committee; and upon that assurance the hon. Member for Mayo withdrew his Amendment. Now, he would proceed a little further. On the question of the 22nd clause—the flogging clause—when the hon. Member for Mayo had given up his Amendment, the Secretary of State for War stated to the Committee that if they would pass the Bill in its present shape it would be with a view that there might be a thorough investigation thereafter upon the whole subject. Further on in the discussion in Committee, the right hon. and gallant Gentlemen said he would make another appeal to the Committee to get through the Bill as quickly as possible, and he would promise there should be a complete inquiry into its operation, and upon that assurance his hon. Friend the Member for Edinburgh

(Mr. M'Laren) appealed to the Mover of the Amendment not to press it. For his own part, he joined very heartily in seeking that the Amendment should not be pressed, and that they should proceed to go on with the Bill. He heartily rejoiced that the Secretary of State for War had gone so far as to make that concession, and that they had, upon the word of a Secretary of State, the certainty of investigation into all these questions. That was the clear understanding; and it was because that had not been carried out that he felt it his duty to rise now and protest, and he should continue to protest against the passing of this Bill. Now, either it was necessary, or it was not necessary, for a Committee to investigate these various subjects. If it was necessary, then the Secretary of State for War was justified in saying he would take care that the investigation should take place. If it was not necessary, upon what ground did the Secretary of State for War, on a measure of such importance, lead the House and the country to believe that he was going to have a thorough and complete investigation? Now, he had to recount what the Select Committee did. He was a Member of that Committee, and they proceeded to work. The Committee was very ably presided over by his hon. and learned Friend the Member for Oxford (Sir William Harcourt); but he thought the Committee was not in the least acquainted with what that Select Committee did. What did it do? They met on the 17th of May. On the 23rd of May they had the first witness; and after they had had a sitting or two, he deemed it to be his duty to enter a protest against their not taking evidence upon those questions which they were sent up to consider. He was so full of the subject—as he was now—that he was anxious that they should have competent witnesses—not official witnesses—who would give them sound information on points referred to. It appeared to him that it was not a question of re-arranging a whole lot of clauses as to punishment that was wanted. They wanted something to precede that—namely, that they should do the best they could to examine into the great sources of crime in the Army—what were the causes of crime, and how it was possible to get rid of them. He visited a military prison, and conversed

with the chaplain; and he came to the conclusion that if the Committee had wished, plenty of evidence could have been obtained. It would have been shown that many who were still in gaol might be free men, and it would be all the better if they were. But the Committee took no such evidence; they made no attempt to get evidence. What did they do? They had handed to them a draft Bill of 117 clauses, which the Chairman took, but very wisely did not acknowledge any responsibility; he ignored any responsibility in relation to that Bill. The Committee accepted it, and proceeded to work. To do what? To see how far, in effect, that Bill of 117 clauses, which was handed to them, was a boiling-down, so to speak, of about 190 Articles of War, and some 110 clauses of the Mutiny Bill; and so they proceeded to work. But they had not proceeded very far before they came to the flogging clause in that particular Bill, and he deemed it his duty to enter his protest. He entered his protest in this manner. He moved on the 21st of June—

“That, having regard to the discussion which took place in the House in the month of March last on the corporal punishment inflicted under the authority of the Mutiny Act, it is expedient that this Committee should take evidence in respect of punishments for crimes committed while on active service in the field.”

Although that was a very reasonable proposition, it received no support, except from the hon. and gallant Member for Leitrim (Major O’Beirne). Well, they proceeded with the Bill, and the Bill came down to the House. It did not come down, however, with 180 clauses, but with only 117. It had, of course, been altered, and no one could complain of that; but he ventured to say that a more imperfect Bill it would be difficult to draw. Why, even the hon. and learned Gentleman the Judge Advocate General got up to enlighten the House upon it the other night, and could not. He dealt with the 10th clause and the 4th section; but even he could not make it clear, although he belonged to the Department in whose care the Bill was placed. Why, they had a clause—the 173rd—contradicted by another clause—the 180th; but he (Mr. J. Holms) cared very little about that part of the question. He cared little whether the Bill was good, bad, or in-

Mr. J. Holms

different, in those respects. What he did care about, and what he protested against, was this—that they should go up to a Committee Room, appointed by the House, to undertake one of the most important questions of the day, and to take evidence in relation to subjects which had been discussed fully, freely, and decidedly in the House, and that they should come downstairs without having made one single step in regard to taking that evidence. This Bill was to be—what? Was it to be a temporary Bill? It was a Bill that was to be for the permanent government of the Army; and he, therefore, protested against their proceeding further with the measure. In his opinion, it was essentially necessary that the Committee, at this particular juncture, should consider what they were to do with the Bill. As he had said, the Committee upstairs took no evidence in relation to those matters to which he had referred. It was well that this Committee and the country should know that; because there were many outside this House who were waiting for the Bill to become law, and to whom it was a serious matter. What was the evidence which the Committee took? A greater sham never existed in the world than that most strange Committee. He did not speak disrespectfully of the Committee itself. He spoke of the work they did, and of the work which was given them to do. They had six witnesses in the main; one witness, and that was Sir Henry Thring, who drafted the Bill. They had His Royal Highness the Field Marshal Commanding-in-Chief; they had Mr. Clode, from the War Office; and they had Major-General Carey, Colonel Roche, and Mr. O’Dowd. Well, of course, they were very good witnesses for the purposes of codifying and simplifying the Bill, and they gave very good evidence; but that was not in the least the question which the Committee were sent to investigate. In comparison, it was a very small and trumpery matter. In fact, if the Committee had gone into their room without any Bill, it would have been very much better. They should have gone up there as business men, thoroughly determined that that 200-year-old Bill was hardly worth looking at, and that it was their business to deal with 1878, and not 1678. But, in place of that, they took to boiling down the

old Bill, and here they were to-night in a state which was not creditable to the House. It was not creditable to them to pursue a course of this kind, seeing that they had had promises that evidence should be taken in relation to the points to which he had referred, in order that they might legislate in the spirit of their own day. He wished the Committee now to consider what effect this Bill would have upon the Army. It would, he thought, deal a very serious blow to recruiting, because soldiers and the class from which they were drawn knew perfectly well what was being done. He had letters on the subject, and was disposed to read some extracts from them, because it was well that the Committee should know what was the opinion outside upon the subject. In civil life in this country, happily, there was even-handed justice for all classes; but in the Army they knew that was not so. [Colonel STANLEY dissented.] He saw the Secretary of State for War shake his head at that observation; but he wished, with all due respect, to press the point, because he was anxious the right hon. and gallant Gentleman and the Committee should know what was thought of the Bill. It was well for the lawgivers to know what those outside considered in relation to questions of this kind. Now, one soldier wrote to him as follows:—

"In civil life, if an employer or overseer strikes, cheats, or oppresses a labourer under his charge, and if a labourer strikes, cheats, or annoys his employer or overseer, they are liable to exactly the same punishment, and those penalties act, however noble the employer or overseer may be, and however mean the labourer. But in the Army, if a private strikes, robs, or annoys his officer, his punishment would be immeasurably greater than would be awarded to any officer who struck, cheated, or annoyed a private. In the one case, death would be the punishment possibly; a simple reprimand possibly in the other. If an officer commits any crime he is tried by his peers; if a soldier, he is tried also by officers, and they are the judge and jury."

In reading this to the Committee, he only wished to show what was the feeling of those who had to submit to this law. He did not blame the officers, far otherwise. They had only to carry out that which was put into their hands; but he wished that the Committee would take care to put into their hands something of a wiser character, and better than had yet been the case. He wished

now to say a word on a point of great importance which had not been introduced—namely, as to the relative position of a soldier and a non-commissioned officer, for throughout this Bill they were treated alike. That he regarded as being one of the great defects of our military system. It was high time that they should raise the status, especially of the higher class of non-commissioned officers. They should lift them from their present position, and not leave them the risk of being reduced to the ranks at the mere whim, or desire, or private sentiment, of their commanding officers. He had received a letter on that subject which seemed so wise and reasonable that he would trouble the Committee with an extract. It was in relation to the reduction of non-commissioned officers to the ranks. The man said—

"This saps the foundation of the non-commissioned officer, for no matter however well paid and clothed and lodged he may be, whilst his position depends on the breath and mere will of his commanding officer, his position is so unstable as to be worth very little, and causes him to carry with him a constant uncertainty. There is no misfortune more deeply felt than that of a sergeant who has been reduced to the ranks. After years of toil, he loses the result of all his labours; his wife and children are put out of quarters, and into inferior positions; his small world is as much changed as is that of a prosperous tradesman when he becomes a bankrupt."

Now, that seemed to him to convey a great deal of sound common sense; and he believed that if they were to get good non-commissioned officers in the Army—and the short-service system demanded that they should get first-rate non-commissioned officers—they must consider that question. Then, if that were so, would it not be better that they should come to the conclusion that the investigation should still be proceeded with, as promised and intended last year. It would be better that they should now have such a Committee appointed. They were now just at the same period of the year as that in which the Committee of last year began its operations. Why should they not have a Committee appointed now, and begin, in real earnest, to take evidence in relation to these most serious questions, which had raised so much discussion? And when they had investigated the subject—he did not think it could be done this year, and even part of it would probably take this year and next; but he thought they should devote their time to advance the progress

of a careful and thorough investigation of the whole question, and then proceed afterwards to have a new Bill. That was perfectly possible; and he believed the House would willingly grant to the Government a continuance of the old Mutiny Bill for a sufficient period. He suggested that the Temporary Continuance Bill should be allowed to go on for this year, and then let them proceed with the investigation indicated. He had ventured to offer these remarks in no spirit of hostility to the Government, but only with a sincere desire of doing some good. He sincerely trusted the Government would re-consider the position, and remember that last year they made promises one after another so strong that it was impossible for any Government to get out of them. It was impossible for this House, with any sense of its own dignity, to accept a Bill of this kind as the Bill which it had a right to expect after the promises given and the full investigation which had been made. There might be some who would say—"Why did you not raise this question on the second reading of the Bill? Why did you wait until we had had two sittings in Committee?" His answer to that was very simple. It was the duty of every Member to do that which he thought best to obtain his ends, so long as he took a fair and honourable way of going to work. In his opinion, had he raised this question on the second reading, it would have been very unwise indeed. It was very much better, in his judgment, to wait until the House had had a taste of the Bill, and see how imperfect it was, even as it stood, apart from the investigation, because he believed he would then be more likely to get support from the House and the country. He did hope the Secretary of State for War would yet consider this question with his Colleagues; because, for his own part, whether or not he opposed it in its course through Committee, this he should do—he should oppose it as much as he could do on the third reading, because he believed it to be a measure fraught with great danger to the Army and mischief to the country.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. John Holms.*)

Mr. J. Holms

SIR WILLIAM HARCOURT said, the course his hon. Friend had taken was certainly a very unusual one, and if it were frequently taken it would be absolutely incompatible with the conduct of any Business in the House. He must say that the idea to which his hon. Friend referred in the last sentences of his speech crossed his own mind during the whole course of that speech—namely, why in the world his hon. Friend did not take the course upon the introduction of the Bill or upon the second reading? His hon. Friend's objection was that there had not been such an investigation of the matter as would justify any Bill at all. Well, if his hon. Friend was right, he had allowed the House to waste a great deal of valuable time which might have been saved; and he justified it on the ground that he thought it was the most effectual way of punishing the House for the course which had been taken. All he could say was that if every hon. Member took that view the House would transact no Business at all. He had hoped that the course which his hon. Friend took arose from a more obvious cause, that it had not been convenient for him to be present at the first or second reading. But now there was another course which his hon. Friend might take. So far as he recollects the proceedings of the Select Committee, the only question which his hon. Friend there raised was the one to which he had now referred in his speech, when he said the Committee ought not only to have investigated the punishments of crime, but also the causes by which crime was produced. Well, that was a very large question indeed. The hon. Member said it would take one year, and two years; but if they were to investigate the causes from which crimes arose, he did not think 20 years would suffice, because the causes that led to crime were not only multitudinous, but almost universal. Now, they were going to have a Bill for the codification of the Criminal Law of this country. Would his hon. Friend contend that they were not to codify the Criminal Law until they had investigated, either by a Committee or in this House, all the causes which led to the commission of crime? It seemed to him that was a proposition which was incapable of being sustained; and that was why he opposed it in the Select Committee, and the great majority of the

Committee opposed it. The House could pass no Criminal Law upon any subject whatever, if it were insisted upon as a condition to precede it that they should examine into all the causes of the offences with which they proposed to deal. For instance, what were the causes that led to murder? The causes that led to murder were love, jealousy, hate—every passion which animated the human breast; and if they were to pass no Statute for the punishment of murder until they had investigated the causes and the operation of all those passions, they would never pass any Bill at all. Therefore, when his hon. Friend proposed that they should not proceed to legislate until they had investigated the causes of crime, he, for one, thought that was not a subject which could be investigated or dealt with by that House. Then his hon. Friend had said various things that led to the belief that there was not even-handed justice between different classes. Now, he agreed with his hon. Friend that that would be the greatest of all evils, and the Committee certainly considered that question—whether they did so efficiently or not, was another thing. This much he could say—that they were constantly altering the Bill in that direction, and he believed it would be found that the measure bore traces throughout of that spirit. Many clauses were altered for the purpose of putting officers on the same footing as men, and he did not remember that his hon. Friend proposed any clause bearing on the point. He was sorry that his hon. Friend had not attempted to amend the Bill by putting down some Amendments on the Paper; because the Committee upstairs and the present Committee would certainly consider most carefully and favourably any Amendments from the hon. Member. But to attack the Bill and the Committee in the way the hon. Member had done, he could not agree with or think to be well founded.

MR. J. HOLMS begged pardon for interrupting. He never attacked the Committee in the slightest degree. He only ventured to say that they came to the conclusion that they had not time to take evidence, and so proceeded at once to the work of codification.

SIR WILLIAM HARCOURT could not quite agree in the accuracy of that statement. No doubt, codification was

the main line of the Bill; but still, especially on the very point to which he had referred, the Committee did not merely codify but made considerable alterations. If his hon. Friend could have given them the advantage more often of his assistance, the Bill, no doubt, might have been made more effectual in that direction; but the Committee would also be very glad if he would put down any Amendments now which would tend to remove from the Bill any trace of want of even-handed justice. It had escaped his own examination if there was that want of even-handed justice. His hon. Friend had suggested one or two other matters to which he would not refer in detail, because they were matters with which the present Committee were perfectly well able to deal. His hon. Friend had only to put down Amendments to them, and his knowledge and ability, especially in relation to all matters connected with the Army, which everyone must recognize, would certainly secure for them a very favourable acceptance. But to propose that the consideration of the Bill should be deferred until the House had investigated the causes of crime, was a proposition which they could not accept, and one which, practically, could never be carried out. No doubt, the Committee was not what was called an evidence Committee. The task it undertook really was to examine the Bill submitted by the Government. He never regarded its duty as anything else; and he certainly would not have become a Member of that Committee, still less would he have accepted the Chairmanship, if the task set before them had been to investigate the principles of Military Law, and the causes of the crimes with which it dealt. Their real task was to investigate the Mutiny Act, and to see what Amendments could be made in it; and he could not see that evidence would have assisted them much in that task. His hon. Friend had not even indicated the character of the evidence which he had proposed to have called with reference to the causes of crime. He spoke of chaplains of gaols; but that was the only indication he gave of the sort of evidence he wanted to take. For his own part, he was convinced that that was an inquiry which the Committee could not have carried out. In examining the Bill itself, on the other hand, the Members of the Committee

were quite as capable of judging whether its clauses did or did not secure even-handed justice as any witnesses that could have been called before them. Therefore, for his part, he hoped the Committee would continue the discussion of this important Bill, making such alterations as they might deem necessary.

SIR WALTER B. BARTELOT was extremely surprised at the statement of the hon. Member (Mr. J. Holms). He would ask him and the hon. and gallant Member for Galway (Major Nolan), who had been cheering him, how on earth the Business of the House was to go on if, in the middle of a Committee of this kind, after a Bill had passed the first reading and the second reading, and had been partly through Committee, they were to have such Motions as this brought forward? He always listened to the hon. Member with pleasure, especially on all questions connected with the Army; but his speech was one which should have been made on the second reading. What would the Irish Members have said if an Irish Bill were in Committee, and it was proposed to stop its further progress in this way? Would they not say that it was an attempt, on the part of the Conservative Members, to prevent justice from being done to Ireland? This was a most important Bill; and no one knew better than the hon. and gallant Member for Galway that it was essential it should be passed that Session. Therefore, he hoped that they would delay no further; but that the Motion would be withdrawn, the Committee proceeded with, and any Amendments which the hon. Member (Mr. J. Holms) might wish to make could then be discussed.

MAJOR NOLAN pointed out that the argument as to Irish measures was not at all applicable, for Irish measures never were allowed to get into Committee. He had been assailed for giving a single cheer, and he therefore would explain why he gave it. The hon. Member (Mr. J. Holms) had, on various occasions, put forward exceedingly clear and straightforward views on military administration. As he understood these views, his hon. Friend wished to make our Army more like the Continental Armies, and to give the country a powerful Army instead of a weak one. He supported those views, because he believed they were in the right direction. The present Bill

tried to stop wholesale desertion and re-enlistment by severe punishments; while his hon. Friend wished to do away with those crimes, as he understood, by enlisting a superior class of men in the Army. They would only get those men to join by offering them advantages superior to those at present offered. He cheered, because he thought his hon. Friend, generally right on military matters, was especially right on the present occasion.

MAJOR O'BEIRNE quite agreed with his hon. Friend (Mr. J. Holms). The Committee was, more or less, a sham. That was his opinion of it. Its time was so limited that it could not discuss very many most important questions. That assertion the hon. and learned Member for Oxford (Sir William Harcourt) could not deny, for the statement was quoted from the opening paragraph of the Report of the Committee. He brought the question of Courts of Appeal at the very outset of the proceedings before the Committee, and the Chairman then said that they could not go into the matter, as important evidence would otherwise have to be taken as to whether or no there should be Courts of Appeal in the Army. He should have thought it a most important question to decide; but the Chairman decided against discussing it. He did not agree with the necessity of passing the Bill this year. It would make no difference to the Army whether it would be discussed this year or next. He thought it very desirable that a Committee should sit again, and go thoroughly into this Bill. Another point never discussed was the subject of flogging. He was quite opposed to it, for it did not exist in any foreign Army; and why it should exist in ours he was at a loss to understand. The whole proceedings of the Committee were too hurried, for they were bound to have their Report ready by the 15th of July, and everything was pressed on to suit that date. He might remind the Committee also that the present Bill contained the same perplexing and involved legal phraseology as the old Act, although one of the objects of this consolidating measure was to simplify and amend the language of the Mutiny Acts. Surely, at the present time, when men were only enlisted for short periods of service, they should make their military Acts as simple and concise as possible. He should heartily support the Motion.

Sir William Harcourt

COLONEL STANLEY thought he need add little to what had been already said by the hon. and gallant Baronet behind him (Sir Walter B. Barttelot) and his hon. and learned Friend opposite (Sir William Harcourt). He could not help regretting, however—though he hoped the hon. Gentleman (Mr. J. Holms) would understand he did it with no personal feeling whatever—that the hon. Gentleman should have brought forward this Motion without observing the ordinary courtesy of informing either the House or the Member in charge of the Bill of his intention to do so. Had the hon. Member given Notice of his intention to make a statement of a general character, he might have provided himself, better than he was armed at the present time, with arguments which might have removed his objections. In many respects the hon. Member would find that the Bill did not deserve the character which he had attributed to it. In the clause punishing desertion material differences had been made. Although desertion was still visited by severe punishments, yet, nevertheless, many amendments had been made in the law in order to mitigate its severity, and to give men who got into trouble the opportunity of redeeming their character. In regard to non-commissioned officers, the hon. Gentleman had either mistaken the matter or had not taken ordinary pains to acquaint himself with the provisions of the Bill. The hon. Member read some extracts from a letter, in which the position of a non-commissioned officer was said to depend upon the mere breath of his commander. Although that might have been the case heretofore, the hon. Member had overlooked the fact that in the Bill was a clause which distinctly, and for the first time, gave the non-commissioned officer the right to appeal to a court martial from any decision by his colonel. Again, it was by no means the case that punishments had been made more severe. The powers of courts martial had been enlarged, the power of giving cumulative sentences had been very much restricted; and throughout the Bill an endeavour had been made, while keeping the punishments sufficiently clear for the purpose they were intended to serve, to make them less severe than they had been in former Acts. With regard to the suggestion that only one part of the

Bill had been dealt with by the Select Committee, he had already more than once explained to the House the position in which he found himself on his accession to Office. A promise had been given that the old Mutiny Act should not be again presented to the House. A Committee was appointed; but it was not possible, in the time at command, to bring all the provisions relative to enlistment, &c. before the Committee. Part of the matter, therefore, was submitted to them; and he stated to the House, on the earliest opportunity afforded him, that, on full consideration, he thought he would be better carrying out the wish of the House and of Parliament by laying the remainder of the Bill before them, and by taking the discussion in Committee of the House. That course enabled the House to proceed at once with the amendment of the Bill, instead of having to defer it for another year. If there had been any refusal of discussion in Committee, or if there had been any attempt in any way to force the Bill upon the House without amendment, or if any disposition had been shown, either on one side of the House or on the other, to close the discussion, he could have understood the reasonableness of the course which the hon. Member had taken. On the contrary, however, during the two days on which the Committee had been employed on the Bill, they had proceeded in a most business-like spirit, and with a feeling of conciliation on both sides of the House, with the result that they were now making what he hoped would be a good law. The Bill was in no sense one of a Party character, and he did trust that the Government would be supported in its desire to proceed with it.

MR. E. JENKINS, though he agreed with the remarks of his hon. Friend (Mr. J. Holms), could not quite feel that this was the proper time for making them. But his hon. Friend troubled the House very seldom; and, as they all knew, he was actuated in all that he did by a very strong sense of duty. He hoped that this discussion, after all, might be of some use, and might facilitate the passing of this Bill, by securing from the right hon. and gallant Gentleman opposite the offer of substantial concessions on several points. There could be no doubt that the remark of his hon. and gallant Friend (Major Nolan) had great weight. The

minds of persons desirous to enter the Army must be affected by the character of the discipline to which they would be subjected; and if it should, unfortunately, get abroad, first permeating the Army itself, and then disseminated from it amongst the people, that the rules and regulations were at all unfair, or at all tended towards injustice, the effect would be very disastrous upon those who might otherwise wish to join. He was only anxious that there should be a thorough discussion. Up to that time the discussion had certainly been conducted in a business-like manner, and he would, therefore, advise his hon. Friend to withdraw his Motion. At the same time, he would ask the right hon. and gallant Gentleman to consider whether he could not accept some of the suggestions as to courts martial, and so enable the Committee very quickly to dispose of a number of clauses. The proceedings of courts martial should be subjected to a certain amount of legal oversight and revision, and they ought to have a proper, efficient, and able Judge Advocate General, with a competent staff. He hoped before long to hear some assurance from the right hon. and gallant Gentleman that he would do something to insure that in all courts martial there should be every chance of doing every possible justice.

COLONEL MURE must say there was a good deal in the speech of the hon. Gentleman (Mr. J. Holms). He must regret that it was not consistent with the work of that Committee—of which he was a Member—to make a thorough investigation of the Military Law, especially when they remembered the very ancient character of the Mutiny Act. He wished he could think that the rules and regulations of the Army had any influence on enlistment. All, however, who were conversant with it knew that that was not so. The men who at present joined the Army usually enlisted through starvation, and they were not, unfortunately, of a class whose decisions were formed by any consideration as to the character of the Mutiny Act. Being men of this character, it was necessary to have very strict discipline; and although he was entirely opposed to excessive punishments, he did not think that the existing scale, in view of the present character of the Army, could be very much relaxed.

Mr. E. Jenkins

One other thing he did wish to point out. In the Committee upstairs it was understood that their work was to be mainly consolidation; but it was also clearly understood that when the Bill got into Committee of the House, a thorough investigation and revision was to be made. He must complain of the fact that this arrangement had not been carried out. Whenever Amendments were suggested, the answer was that the proposal was an alteration of the old Act, or the old Articles. That was not the temper which he had expected from this Committee. There was not that earnest desire for improvement which he had expected from the front Bench of the Opposition—the progressive Liberal Bench. The hon. and learned Gentleman (Sir William Harcourt) had shown no desire to help forward Amendments; but had constantly said, with Shylock, that it was not in the bond. They were now making a law for all time; and he was bound to say he did not congratulate himself on the progress they were making. He did not, at the same time, entirely agree with the hon. Member (Mr. J. Holms), who, apparently, was not thoroughly acquainted with the Army. Would he, for instance, as he rather indicated by the passages he quoted, make no difference between the case of a private striking an officer and an officer striking a private? Again, he complained of the reduction of non-commissioned officers for ill-conduct. But if the hon. Member had a foreman who behaved himself ill, would he refrain from dismissing him because the dismissal might be his social ruin? A non-commissioned officer was in a better position than the foreman, indeed, because he had a right of appeal. He hoped his hon. Friend would not divide, especially as he could gain nothing by it.

SIR ALEXANDER GORDON also hoped that course would be taken, although if anything could make him support his hon. Friend, it was the fact that the right hon. and gallant Gentleman had hitherto failed to lay on the Table the alteration by which he proposed to bring this Act within the lines of the Constitution. Before going into Committee he pointed out to the right hon. and gallant Gentleman that the Bill at present violated the principles of the Constitution in regard to the relations between the Crown, the Army, and

Parliament. On finding that it was so, the right hon. and gallant Gentleman promised to alter the clause, and on that understanding he withdrew his Amendment. As yet, however, that alteration had not been laid on the Table; and he did think it was trifling with the House to defer its production any longer.

COLONEL STANLEY replied, that what he undertook to do was to strike out Clause 178 when they arrived at it, and to deal with the matter by the insertion of the old clause, as it at present stood, in the Act. He regretted that clause had not yet appeared on the Paper; but as he would have other verbal Amendments to move, he deferred putting it down until they were ready also.

MR. HOPWOOD said, his hon. Friend (Mr. J. Holms) had been a good deal abused for doing what he conceived to be his duty. In his opinion, however, the hon. Member had very fairly justified his own position; and he had certainly stood up for it like a man and a Member of Parliament—a combination much to be admired. He was sorry the hon. and learned Gentleman (Sir William Harcourt) had left the Committee; because he wished to tell him that he did not altogether approve of one of their own side administering reproofs in the manner that he had done. He was not even content with administering advice and reproof, but he went further, and suggested that his hon. Friend (Mr. J. Holms) wanted a Committee to inquire into all the causes of crime, and proceeded to enumerate, for the sake of ridicule, many indirect causes, such as love, hate, self-interest, &c. That was by no means correct. His hon. Friend wished for an inquiry into the causes of military crime—of those offences which, in the eyes of civilians, were not crimes at all, though they might be military offences. Did they not all know that great good would be done by such an inquiry? His hon. Friend, and other business men like him, might have inquired how far petty oppressions and the ignorance of the non-commissioned officers were responsible for the enormous number of military crimes, and the inquiry would have been a very proper one. The Committee upstairs did not go into these subjects, because they had not time; and that of itself, now that they had the Bill under discussion, should make them

uncommonly tender and careful how they decided upon the Amendments now before them, and should also protect his hon. Friend from a lecture for doing what he conceived it to be his duty to do.

GENERAL SHUTE was not much enamoured of the Bill, for it neither simplified, so far as officers and soldiers were concerned, nor abbreviated the present law. But he was not surprised that the hon. and learned Gentleman (Sir William Harcourt) felt a little hurt at the remarks which had been made, for, as a Member of the Committee, he could testify that it was impossible that any Chairman could have shown greater tact in dealing with the Bill in the Select Committee, or greater knowledge on the subject for one who was not a military man. In the short time allowed them more, certainly, could not have been done than was accomplished. He did not altogether agree with the last speaker. The Mutiny Act was intended to ensure more exemplary and speedy punishments for breaches of discipline than could be obtained by the Civil Law; and though its enactments might appear to be severe to civilians, they were forced to be severe. The court martial system, in his opinion, had been seriously injured by the tinkering of indifferent lawyers, many of whom were utterly ignorant of the requirements of discipline, and not particularly well up even in their own profession. The Army wanted discipline, while lawyers thought only of the punishment for, and the repression of, such offences as would in Criminal Law be considered crimes. Courts martial, then, should be real Courts of Justice, unfettered by the minor quibbles of the law, which might render the conviction of unquestionably guilty offenders less certain. When he first knew the Army an innocent man would always prefer trial by a court martial, while the guilty one liked to be sent to a Civil Court. He did hope, therefore, that in considering this Bill the Committee would look rather to the requirements of discipline, than merely to the repression of crime in the civil sense of that term.

MR. O'CONNOR POWER knew that the gallant General (General Shute) was always inclined to take a very harsh and severe view of questions of this kind; and he never remembered an occasion

when, either by chance or accident, he said anything in favour of relaxing Military Law. Once, on the trial of a political prisoner in Ireland, the hon. and gallant Gentleman had regretted that he had no power to order the prisoner a whipping at the cart's tail. He did trust, therefore, that the Committee would look with very great suspicion upon his evidence. Both the right hon. and gallant Gentleman opposite (Colonel Stanley) and the hon. and learned Member for Oxford (Sir William Harcourt) had entirely evaded the main justification for this Motion, which was that the Government, after a pledge of the most distinct and emphatic character that the Select Committee should thoroughly revise and reform the Military Law, had not kept their pledge. Why was that? Had the right hon. and gallant Gentleman no apologies to offer to the House for the broken promises of his Predecessors? If no explanation were offered, the Committee would be perfectly justified in a refusal to proceed with the Bill; for his hon. Friend (Mr. J. Holms) had given chapter and verse for his statements, and had shown that on many occasions Amendments were withdrawn because of those pledges. Now, it was found that the Committee which set out to improve the law had simply occupied themselves in its codification, with the result that they had actually perpetuated and stereotyped the very things against which these Amendments were protests. The hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) asked whether the Criminal Code Bill was to be set aside until they had ascertained the causes of crime? His reply was, that they had already repeatedly inquired into the causes of civil crime, but that they had not taken the same pains with military crimes; and for that reason had not been able to enact laws calculated to improve the condition and character of the Army. The prevention of crime ought to be as much the object of the Mutiny Act as its punishment. It ought, also, to enact the law in clear, plain, and simple language. An appeal had been made to the Government to see that this was done in the present Bill, and a promise was given. In what respect had that promise been carried out? In none whatever. In the Select Committee hon. Members who wished

to go into the matter were told that the Bill was simply intended to codify the different clauses of the old Mutiny Act. So far from being business-like, the conduct of the Committee had been, up to the present, the very reverse; for it had simply stereotyped things against which many of them had vainly protested time after time before. They ought to inquire into the circumstances which led to the commission of offences in the Army before they proceeded to draw up a Code to punish them; and they ought to take care that the matter was fully and amply investigated, not merely by calling military testimony, but by taking impartial evidence, especially with regard to the punishments inflicted. Nothing of this sort had yet been done. His hon. Friend, he thought, had shown great discretion in affording the Committee an opportunity of examining the Bill in detail before asking them to reject it; and the protest made against his proceeding by some hon. Members, who seemed to think their only duty was to help the Government to back out of its pledges, was entirely without reason.

GENERAL SIR GEORGE BALFOUR said, he earnestly hoped that the time of the House would cease to be misapplied in discussing so badly prepared a legislative measure as this Army Discipline Bill was. There were other far more important questions connected with the Army needing the urgent and devoted attention of the Secretary of State. No one acquainted with the state of the Army could help being anxious about its condition at the present time. Any military man, who saw the five regiments which recently embarked for the Cape, must be struck by the necessity for some change in their system. His hon. Friend (Mr. J. Holms) had certainly exercised a wise discretion in not bringing forward his Motion until the Committee had had an opportunity of judging whether it was likely to pass this Bill with any satisfactory results. They had now been two days at work, yet they had made very little progress with this Bill; and he must also point out that they had not got the simplification and the clearness they had been promised in a new Mutiny Act. Why, then, should not the right hon. and gallant Gentleman take back his Bill and amend it for next year's re-considera-

Mr. O'Connor Power

tion, asking, at the same time, for an extension of the present continuing Act for a few months? When the Militia Bill was brought in, it was accompanied by an explanatory Memorandum of the changes made; but this Bill, though far more important, had been thrown, chucked, before the Committee without any such explanation. They knew, also, not merely by rumour, that the Horse Guards were very much dissatisfied with the measure; and they surely should have a full opportunity of considering its details and submitting their views on the measure. He was perfectly certain that no soldier who knew what a Mutiny Bill should be would allow this Code to pass in its present form. Let the right hon. and gallant Gentleman (Colonel Stanley) look at Clause 173, as an instance of the way in which the non-commissioned officers were treated. At the present time, with their short-service system, it was of the utmost importance that they should have the very best non-commissioned officers; but so long as they lowered the rank of the non-commissioned officer, by allowing him to be degraded at the mere hasty words of the commanding officer, so long would they fail to get the class of men they wanted. There was plenty of time to pass a thoroughly satisfactory measure; but, for his own part, he would far rather have the old Mutiny Act than the present measure. In that opinion he knew many officers would concur.

MR. P. A. TAYLOR would only trouble the House for a minute or two in reference to the particular part of this Bill in which he took special interest—punishment of soldiers by flogging. Some of his hon. Friends from Ireland—especially the hon. Member for Meath (Mr. Parnell), and the hon. Member for Mayo (Mr. O'Connor Power)—when this Mutiny Act was before the House last year, were in favour of offering a very determined resistance to these clauses, word by word and line by line. They wanted to move the reduction of the lashes from 40 to 39, and from 39 to 38, and so on. He ventured, however, to advise them not to take that course, as he did not think it was the best way to meet the evil. He reminded them that the Government were pledged to give the Act a thorough overhauling in all respects, and to introduce a new Bill; and

he told them that after that had been done he did not believe the flogging clauses would be again offered to them. His hon. Friends accepted his advice, and withdrew their Amendments. Now, he asked whether it was fair of the Government to Parliament, or to the Irish Members, or fair even to himself, to allow that to be done when they had no intention of going into these matters in the Committee, and, as a matter of fact, never did go into them at all. For when he asked some of his Friends on the Committee, taking great interest in the matter, what was being done about the flogging clauses, he was told that they were not to be discussed at all. He certainly was justified in believing that the Government were pledged to go into the matter; for he found, on turning back to *Hansard*, that these were the words of Mr. Secretary Hardy, now Lord Cranbrook—

“He had asked the House to pass the Bill in its present shape under the following state of things:—It was going to be referred to a Committee. . . . He certainly asked the Committee, as far as they possibly could, to pass the Bill in its present shape, with the view that there might be a thorough investigation hereafter into the whole subject.”—[3 *Hansard*, cccxxxix. 46.]

Whether the Committee that was struck gave satisfaction to anyone but themselves he did not know; but it was certainly the fact that many Gentlemen were very dissatisfied with the result of the labours of that Committee. It had simply given them a codification of the Mutiny Act and of the Articles of War. There was no reason for all this haste. They had gone on with this very confused and stupid old Mutiny Act for a great many years, and they could very well go on with it for one, two, or even three years more. But what they did want to do was not merely to pass an indifferent Bill, but to make the law as perfect as possible. The hon. and learned Member for Oxford (Sir William Harcourt) asked what was the good of taking evidence? He replied, that there was ground for asking for evidence as to flogging. When England was the only civilized State in Europe which tortured its soldiers with the lash, evidence would surely have helped them to form an opinion whether it was still necessary to disgrace our Military Code with this punishment. It had been said that it was very inconvenient to bring

this matter forward now; but the answer to that was perfect. The hon. Member (Mr. J. Holms) was bound to come forward at the time when he thought his object of stopping the Bill was most likely to be attained. He apparently thought the Bill was a mass of confusion, and a conglomeration of impossibilities; and he probably waited till the House was convinced of its imperfections. If his hon. Friend went to a division, he should certainly support him.

Mr. J. HOLMS only wished to say a very few words in reply. The hon. and learned Member for Oxford (Sir William Harcourt) had suggested that he was a rare attendant at the meetings of the Select Committee. The Report showed, however—as the hon. and learned Member would have seen had he taken the trouble to turn to it—that he was present at 10 meetings out of 12, when the evidence was given. He wished, again, to remind the Committee that no answer whatever had been made to the very plain issue he laid before it. That was, that the pledges given by the Government last year, that full investigation should be made into various subjects, had not been kept. No evidence was taken before the Select Committee, except of an official character; although in the Report that Committee themselves said, for instance, that they were of opinion that the power of commanding officers should be defined in the Statute, but that they had not before them sufficient evidence to enable them to decide whether such powers should be exempted. The hon. and gallant Gentleman the Member for Renfrewshire (Colonel Mure) said that the rules and regulations had no effect on enlistment, because the class from which their recruits at present were drawn was a class on the verge of starvation. That was precisely his contention; and until the Military Law was changed and improved, they would continue only to get men to enlist when they were driven to do so from starvation. He was invited to put down Amendments; but though he would not absolutely say that the Bill could not be made a good Bill without taking evidence and going into all these different questions, he certainly should decline the invitation, and would reserve to himself the right to take the sense of the House on

this matter when the Bill came up for the third reading. He begged to withdraw the Motion.

Motion, by leave, *withdrawn*.

SIR ARTHUR HAYTER asked if it would not be better to leave out the words in line 27, "being an officer or non-commissioned officer?" The words at the beginning of the clause "every person subject to military law" would include everything; while at the end of the clause the punishments were defined, "if an officer, to be cashiered... if a soldier, to suffer imprisonment." The words were mere surplusage; and as his right hon. and gallant Friend had objected, in every other case, to the insertion of the words "non-commissioned officer," because in the Definition Clause it was intended to make that included in the word "soldier," it would be better to leave them out.

Amendment *moved*, in page 12, line 27, to leave out all the words from the beginning of the line down to before the word "wilfully."

COLONEL STANLEY agreed that the Amendment would make the clause more in accordance with the general arrangement of the Bill.

MAJOR NOLAN would again ask the right hon. and gallant Gentleman whether the Committee would be permitted to discuss the prices paid for billeting? He had asked the question several times before; he could not get an answer, and he could not set up a preliminary Committee, as it required an Order from the Privy Council.

SIR ALEXANDER GORDON remarked, that they were now about to discuss the offence and the punishment without having settled the law in regard to billeting. The rule hitherto had been to make the law first, and to decide the punishment afterwards.

COLONEL STANLEY hoped that he had already given a satisfactory answer on the subject. The hon. and gallant Gentleman's desire was to discuss the prices of billets, and before the Committee came to the clauses on that subject the matter should be explained. He had been, and still was, in communication with the Chancellor of the Exchequer on the subject; and before they came to the clauses he would state what course he thought the most advisable.

Mr. P. A. Taylor

Originally, he thought of placing in the Bill words giving authority to the Secretary of State for War to adjust prices from time to time; but that was thought inadvisable. Then it was suggested that the prices should be inserted in the Schedule of the annual Act, and so afford opportunity for revision. The matter was still under consideration, and he could not give any fuller answer at present.

MAJOR NOLAN said, this seemed to him to be the only clause on which he could raise this question. He did not want to discuss the prices, but only to know whether, when they were reached, the Committee would be at liberty to discuss them? Surely on that point the Secretary of State for War and the Chancellor of the Exchequer could make up their minds. If the Committee could not discuss these prices and divide on them, it was very little use to talk about them; and, therefore, he simply wanted to know whether, when they got to the second Schedule, they were to find their mouths shut?

Amendment agreed to.

SIR ARTHUR HAYTER suggested the addition of the words, in line 35, of "or other civil officer." It was possible billets might be required for other persons besides the constable. The words were in the old Act, and it was very desirable that they should be in the Bill also.

Amendment moved, in page 12, line 35, after "constable," to insert "or other civil officer."

Amendment agreed to.

Clause, as amended, agreed to.

Offences in relation to Impressment of Carriages.

Clause 31 (Offences in relation to the impressment of carriages, and their attendants).

MR. E. JENKINS moved, in order to put himself in Order, to leave out the 1st sub-section. This clause, at the very least, required some explanation from either the right hon. and gallant Gentleman or the Judge Advocate General, for it did not occur either in the Mutiny Act or in the Articles of War. He wished to point out, also, how very general the sub-section was. It said

whoever wilfully demanded any carriage, &c., "not actually required for the purposes authorized by this Act." It did not say required by proper authority, or under proper authority. The purposes authorized later on also seemed to be very general indeed.

COLONEL STANLEY said, he had never, either directly or indirectly, contended that nothing new was to be introduced during the process of codification. He had proposed these words because they seemed to him necessary for the protection of the public. He could not conceive a graver offence than wilfully taking animals, vessels, &c., which were not actually required. Of course, the court which tried the case would decide whether the things were actually required. They must deal with the general case; they could not legislate for the particular.

MR. BULWER considered the clause capable of amendment, in that something ought to be said of the intent with which these things were taken. As the clause at present stood, if a man took 21 horses when only 20 were required, he would have committed an offence within the meaning of the Act.

COLONEL STANLEY thought all those points might safely be left to the court martial which tried the case.

Amendment, by leave, withdrawn.

MR. E. JENKINS wished to call attention to the words used a little further on in the clause—

"Constrains any carriage . . . to travel against the will of the person in charge thereof beyond the proper distance."

Those words were very vague. In the original Act the words were "the distance specified by the justices' warrant." It would be, of course, proper to word the clause in its present way; but he thought it might be amended, so that it might read, "beyond the distance specified," or "authorized under this Act."

COLONEL STANLEY had some doubts whether it would be wise to limit the Act in that way, or to make reference to any rules which might be created in pursuance of the Act. It was rather a small matter to put into an Act of Parliament; but, at the same time, he quite agreed with the principle the hon. Member was upholding; and he would either consider the matter and deal with it on

the Report, or insert the words now, reserving power to himself to alter them on the Report.

SIR ALEXANDER GORDON remarked, that former Acts of Parliament limited the distance to 25 miles. It would surely be wise to insert that provision again.

MR. E. JENKINS only wished to call attention to the vagueness of the words. He would be quite satisfied if the right hon. and gallant Gentleman would deal with the matter on the Report.

COLONEL STANLEY replied to the hon. and gallant Gentleman the Member for Aberdeenshire (Sir Alexander Gordon), that he would not like to commit himself to an undertaking that no vessel should be taken more than 25 miles.

MR. A. H. BROWN pointed out that the clause provided that the road was to be between such places as were specified in the Act, and the distance between such places was carefully guarded by another part of the Bill.

Amendment, by leave, *withdrawn*.

GENERAL SIR GEORGE BALFOUR observed, that the clause provided for the punishment of officers and soldiers, but not non-commissioned officers. The last words were—

"And if a soldier, to suffer imprisonment, or such less punishment as is in this Act mentioned."

Had they yet come to a clear understanding as to whether non-commissioned officer was included under the word "soldier?" The Definition Clause 173 did declare soldier to cover non-commissioned officer; but Clause 180 distinctly defined soldier to exclude both officer and non-commissioned officer.

COLONEL STANLEY would venture to repeat, what he had more than once said before, that when they came to the Definition Clause he would bring up words which should make this point clearer. He was not quite sure whether, as a matter of convenience in drafting, it was better to put in the words "non-commissioned officer" wherever wanted, or to include it under the term "soldier." When they came to the Definition Clause he would bring up words to settle the matter. At present, the term "soldier" included non-commissioned officer, except when otherwise stated.

Clause agreed to.

Colonel Stanley

Offences in relation to Enlistment.

Clause 32 (Enlistment of soldier or sailor discharged with ignominy or disgrace).

MAJOR O'BEIRNE thought the clause was carried too far. If a man were dismissed as objectionable from the Navy, they would suppose that would unfit him to serve in the Land Forces. But, some time ago, a man deserted from the Marines, and enlisted in the 32nd. He rose to the rank of non-commissioned officer by exemplary good conduct, and afterwards, on his trial for desertion, it came out that he deserted because he found his life unbearable from sea-sickness. Therefore, if a man were turned out of the Navy because he was "objectionable"—which, however, might really mean that he was a sufferer from sea-sickness—that was no reason why he should be tried and punished very severely for enlisting in another regiment. The Admiralty ought to have power to transfer a man from the Marines to the Land Forces. He moved, in page 14, line 20, to leave out "or as objectionable."

MR. W. H. SMITH explained, that the word "objectionable" was perfectly well understood in the Navy. It did not apply at all to those who were, unfortunately, unable to live comfortably at sea. A man was tried, for instance, for drunkenness, time after time, and at last he would be dismissed from the Navy as objectionable. Of course, it would be very undesirable to enlist such a person in the Army.

SIR WILLIAM HARCOURT considered that the word "disgrace" alone would be sufficient. He was impressed with the view taken by the hon. and gallant Member (Major O'Beirne), that a man should not be punished for enlisting, although he had been dismissed from the Navy "as objectionable," because this term did not necessarily imply anything disgraceful.

SIR ALEXANDER GORDON inquired of the First Lord of the Admiralty, whether the word "objectionable" was used in the discharges of the men dismissed from the Navy? He regarded the word as being too vague.

COLONEL MURE said, a man could not be dismissed from the Navy unless there were very strong objections to his conduct; he could not, therefore, believe that the

hon. and gallant Member (Sir Alexander Gordon) would like persons of that character to enter the Army. The clause contemplated cases of a very different kind to those in which the Royal Prerogative was exercised, in the dismissal of officers for infirmity of temper and other disqualifications.

MR. STAVELEY HILL contended that if the clause was intended to relate to persons who, by the Naval Discipline Act, might be dismissed either "with disgrace" or "as objectionable persons," the words "as objectionable" should remain in the clause.

MR. E. JENKINS found that there were words in the Mutiny Act which might be taken to include this offence; but the clause was, in his opinion, an exceptionally severe one. It would be seen that the words—"Or from any portion of the Auxiliary Forces, when subject to Military Law," would apply to Volunteers, who he did not think should be prevented from entering the Army. His objection was to the principle and spirit of the clause; because, as the Mutiny Act provided that a record should be kept of every discharge from Her Majesty's Service, the officers at head-quarters ought to be in a position to detect cases of re-enlistment. They had already passed a clause which rendered a man liable to imprisonment for making a false statement at the time of enlistment; and it would seem to be very harsh that a court martial should try him for the offence of enlisting again. He considered the clause unnecessary, and thought that, before the Report, the matter should receive the attention of the Secretary of State for War.

COLONEL STANLEY regretted the absence of the hon. Member for Hackney (Mr. J. Holms), who, taking the strong view which he did with regard to desertion from the Army, would certainly have supported this clause, even if he objected to other parts of the Bill. He (Colonel Stanley) could not but admit that the clause was more stringent in its effect than the law hitherto existing; but its object was to prevent the re-enlistment of men who could not be tried and punished under the Fraudulent Enlistment Act; men who were discharged from the Army under circumstances which rendered them no longer fit for service. With regard to the record of

enlistments referred to by the hon. Member for Dundee (Mr. E. Jenkins), he granted that such a register might be kept of soldiers who did not enlist abroad; but there was no possibility of doing so in the case of men who enlisted out of the country, which would render such an arrangement inoperative. The clause under consideration only applied to men who were thoroughly bad—who had been discharged with ignominy from the Regular Army or Auxiliary Forces, or from the dépôt, or other analogous Services, or who had been dismissed from the Navy. Such men, who re-enlisted by deceit, came back into the Army only to swell the record of crimes in different regiments. He trusted that the Committee would allow the clause to pass.

MAJOR O'BEIRNE complained that he had not received an answer to his question as to whether Marines were ever dismissed from the Service because they suffered from sea sickness?

MR. W. H. SMITH said, in his reply to the hon. and gallant Gentleman, he had distinctly stated that such was not the case.

SIR WILLIAM HARCOURT considered that they should very carefully consider the effect of the clause, which struck him as being too severe. Everyone agreed that it was desirable to prevent the enlistment of bad men in the Army; but he could conceive that the term "objectionable" might be applied to conduct that required no punishment at all. It must be borne in mind that there were points to be considered. A man might, under the Naval Discipline Act, be legally convicted and dismissed from the Service with disgrace. In another case, he might be dismissed as "objectionable." Now, it was not exactly known what this word meant; and it would, therefore, be a serious thing to add it to a penal Statute. He could conceive the case of a troublesome, refractory boy, of not more than 12 or 14 years of age, who perhaps seven years after he had been dismissed from the Navy as objectionable might enlist in the Army. This boy might have entirely changed and become a very well-conducted man; but, all of a sudden, he would find himself liable to penal servitude. He did not think that this provision should be introduced into the Bill; and considered that the best way to meet the case would be to take from

every man a declaration that he had not before served in the Army or Navy, and punish him if he made a false declaration, which would be a definite offence. For the reasons stated, he suggested that the clause should be postponed and re-considered.

COLONEL NORTH suggested that the best way to deal with the case of desertions from the Army was by a return to the system of marking, which in former days was the terror of deserters. There was no cruelty whatever in the act of marking a man; but the system had been done away with not by order of the House of Commons, but by the Act of Lord Cardwell, then Secretary of State for War, acting on the recommendation of a Royal Commission, which sat to consider the subject. The object of marking was the protection of the country from a system of fraud practised by men who enlisted first in the Army, then in the Militia, and so on, going from one regiment to the other; and to this effect was the answer given by Mr. Cardwell, when Secretary of State for War, who, when his opinion was asked as to whether marking ought to be regarded as a system of punishment, replied that—

"He did not think it ought. It was not for the purpose of punishment, but for the prevention of fraud. So that the second infliction of it was wrong, and he felt no doubt that His Royal Highness the Commander-in-Chief would be of the same opinion."

He (Colonel Mure) entirely agreed that there was no necessity for the second marking. Again, the Royal Commission which sat to consider the subject had said that the

"Use of the term 'branding' had led to the erroneous impression that the marking was done in a cruel manner."

And the Report went on to say that—

"The real object of the marking is not the punishment of the offender, but the protection of the public, who are frequently defrauded of bounty on the re-enlistment of discharged men who have brought discredit on the regiment to which they belonged, and are no longer likely to be useful to the Public Service."

They also stated in their Report—

"It is the system of tempting recruits by bounties, without any previous inquiry into their character, which is the chief cause of fraudulent enlistment; and if, as we have reason to hope, measures can be taken to reform

this system, all motive for continuing a practice, which nothing but necessity can justify, will cease to exist."

He considered that at no previous period was more trouble taken than at the present moment to inquire into the previous character of recruits for the Army, notwithstanding desertion was on the increase, and he quoted the Report of the Inspector General of Recruiting for January, 1878, to show that unless there was some efficient safeguard of the public purse, the evil of desertion was likely to continue, to the great detriment of the Service. It would be seen, from the Return annexed to the Report, that the number of desertions had increased this year to 2,621, as compared with 2,337 in the year previous. He would remind the Committee that in the year 1871, when marking was abolished, the desertions increased to 1,382, and that since then they had risen to 2,690 for 1872, 2,531 for the year 1873, while for the year 1878 there were no less than 2,560 desertions. In short, in 1870, when marking was the rule, the number of deserters was 3,171; in 1878, 5,416. Then there was the crime of making away with the kit, and the number of these offences had risen from 1,135 in 1871 to 2,772 in 1878. The men who committed this fraud upon the public were described by Sir Henry Thring before the Committee as—

"A set of loafing vagabonds in the Army, the most troublesome, I believe, of all military offenders, men constantly going from one regiment to another. They desert from one regiment and enlist in another without giving notice that they belong to the Army, and they thereupon get a free kit and a number of advantages; and so they go on leading a sort of vagabond life."

He wished, also, to point out that besides the cost of the kits of which the public were defrauded—the Secretary of State for War had referred to a case in which a man had enlisted in 13 different regiments, and had, consequently, received 13 new kits—the country had to pay for the enormous expense of taking and punishing the men who were guilty of this crime. His object in suggesting a return to the system of marking was no other than the protection of the rate-payers of the country. He, therefore, hoped that either that system, or some efficient method, would be adopted in future; for, besides the enormous ex-

Sir William Harcourt

enlistment; but it was enlistment from civil life, and quite distinct from fraudulent enlistment. It appeared to him that the clause, which related to the offence of enlisting a recruit by means of false declarations, ought to be a clause under the general heading of fraudulent enlistments, and that the offence provided for by Clause 34, which dealt with enlistment in the active sense of engaging a man in the Service, might be brought under the head of miscellaneous offences elsewhere in the Bill. Unless this was done, he foresaw that considerable confusion would arise with regard to these parts of the Bill. They were dealing with the case of men who enlisted after being discharged from various branches of the Service with ignominy; and he submitted that the question of the re-enlistment of deserters was not before the Committee.

THE CHAIRMAN said, that to raise the question of re-enlistment by a man still on the Books of the Army at that part of the Bill would be foreign to the clause before the Committee. There was no doubt that the tendency of the discussion had been to exceed the limits of the clause, and he again pointed that out to the Committee.

SIR WALTER B. BARTELOT said, there could be no doubt that the hon. and gallant Member opposite (Sir Henry Havelock) was technically right in setting this discussion on foot; because it was essential that at some point in the Bill the Committee should discuss this very serious question relating to desertion and the sale of kits. That practice had increased, especially of late years; no less than 2,800 kits having been sold, and 5,416 having deserted during last year. Even hon. Members opposed to the marking of soldiers had suggested that something should be done; and it was to that point he wished to call the attention of the right hon. and gallant Gentleman the Secretary of State for War. The Bill did not in any way provide for the recognition of deserters, who would, therefore, escape detection, unless something happened to turn up to show that they had been in some other regiment. Something, therefore, was required by which a deserter could be recognized and prevented from passing himself off as not having been in the Army at all. It mattered very little how they were marked; but they must be

marked in some way. He, therefore, trusted the Secretary of State for War would seriously consider the question, which was one of deep importance not only to the Army itself but to the general public.

COLONEL MURE thought the discussion then going on was not absolutely regular. It appeared to him that the Committee, not only upstairs but in the House, had been paralyzed in its examination of Military Law. The Committee upstairs were told that they were to receive evidence upon the subject of desertion, but were not to discuss the question. The Committee of the House had passed a Desertion Clause, and yet hon. Members were agreed in desiring that the discussion which had been raised should continue, even though it were irregular. He (Colonel Mure) could not understand how hon. Members could thus proceed, while the great evil of desertion was corroding and eating into the Army. He asked, what it was thought would be the feeling in the Army if it were known that the House was discussing a new Code of Military Law, and that it had passed a clause dealing with desertion without saying one word upon it? It would be felt very deeply; because it was a well-known fact that the best soldiers in the Army complained of the disgrace brought upon them by desertions. The fact was, that the question of desertion had never been seriously taken up by the military authorities. The only thing that had been done seriously was to withdraw from the Army the only protection it had—namely, the marking of deserters, a change which rendered their detection thenceforward almost an impossibility. He believed that a very considerable number of hon. Members would hesitate in going back to a system of marking; there was something about the branding a man in early life repugnant to the feelings, especially in the case of very young men. He (Colonel Mure) would in no way submit to the marking of young men with the letter D, even admitting that they were guilty of the crime of desertion.

MR. E. JENKINS said, the question before the Committee being one which had reference to the enlistment of men discharged from the Service with ignominy, he could not see the relevancy of the remarks of the hon. and gallant

re-enlistment in the Army would be entirely in favour of the good soldier—the man who endeavoured to do his duty, and who was now the greatest sufferer by the fact that this fraudulent re-enlistment escaped notice. He thought the Committee was much indebted to the hon. and gallant Member for Oxfordshire (Colonel North) for having drawn attention to the subject, and trusted that the right hon. and gallant Gentleman the Secretary of State for War would devise some efficient means of checking the evil.

COLONEL ARBUTHNOT thought it well, as the discussion had turned upon the means by which the offence of fraudulent desertion and enlistment in the Army could be prevented, to point out that those who were instrumental in bringing in the soldiers guilty of that offence, might, in his opinion, be very properly called upon to exercise greater circumspection in the men whom they selected. He had no doubt that in many cases the recruiting sergeants were very well aware that the men enlisted by them had been soldiers before; and he (Colonel Arbuthnot) had himself, on more than one occasion, refused to enlist men who had been brought up by the sergeant for enlistment, because it was evident to anyone that the men knew something of military drill. One good step, he thought, in the right direction would be that a little care should be exercised in the granting of sums of money for enlistments. He quite held with the granting of money to those who discovered deserters; but considered it undesirable that pecuniary rewards should be given to anybody in connection with the enlistment of a soldier, until that soldier had been for some time under examination; and he had himself known of cases in which money so granted had been taken back again.

THE CHAIRMAN pointed out, that the hon. and gallant Gentleman was departing from the subject before the Committee in referring to the question of bounties.

COLONEL ARBUTHNOT was simply showing how those improper enlistments could best be prevented. But he would pass to another point. The hon. and gallant Member for Oxfordshire (Colonel North) had read from a Report in which it was said that by the system of bounties, without due inquiry as to the ante-

cedents of soldiers, desertion was very much encouraged. He (Colonel Arbuthnot) did not see why a man, on offering himself for enlistment, should not be obliged to bring a character of some sort, or furnish a reference, in exactly the same way as demanded from servants engaged by private individuals. There would be a great advantage in this; because, if reference was given to persons who had known the recruit from his early youth, a stop would be put to the practice of children enlisting as men. It would, by this means, be very easy to discover whether the person presenting himself was of the age which he professed to be, or whether, as was often the case, he was three or four years younger. He ventured to think that the civil magistrates might do a great deal in the way of assisting to stop this practice; but he was aware that the various benches of magistrates took very different views concerning the gravity of the crime, and, in some cases, were inclined to act in an unduly lenient manner, from an unaccountable feeling of opposition to the military authorities. He remembered a case in which, finding that a man taken before them had not received his proper punishment, he had written, pointing out the gravity of the offence, and suggesting that he should have received a proper punishment. A rather sharp letter was received in reply, telling him, in effect, that he, as a civil magistrate, understood the case best. He (Colonel Arbuthnot) wrote an apologetic reply, as magistrate of Quarter Sessions in another county, in answer to which he received a very different letter, and the next two men whom he sent up received considerably more punishment than had been formerly awarded. With regard to the making away with kits, he was not quite sure whether the Bill dealt with the point so far as concerned the receivers, who were as much to blame as those who sold the articles. If that was not the case, he thought some provision should be introduced to meet the case of receivers.

MR. CAMPBELL-BANNERMAN conceived that it would be departing from the proper subject before the Committee to continue the discussion upon fraudulent re-enlistment, concerning which a great deal would have to be said. The clause appeared to him to be misplaced. It dealt with an offence in relation to

Sir Henry Havelock

ment? He could not think that this was justifiable; and he should deem it his duty to take the sense of the Committee upon the maintenance of this

LORD ELCHO agreed that the questions of desertion and enlistment were very important, and, in his opinion, should not be debated casually, but should be brought forward, as it was proposed to do, on Report. But whether right or wrong, as it at present existed, the enlistment question was most important, for it was at the root of the whole military system. For that reason he trusted that it would have a full and careful discussion. Judging from the reports from the different regiments, there was an absolute necessity that the Government should bring forward some proposition on this subject. With regard to the question of desertion, he should not have thought it necessary to make any remarks, but for some absurd statements which had been made. No doubt, the present prevalence of desertion in the Army was a scandal and a disgrace. In his opinion, there must be something very wrong in our military system which produced that state of desertion. His right hon. Friend the Home Secretary was at the head of a body not unlike the Army—he meant the body of the police. He heard no question raised as to desertion from the police, or as to the necessity of branding the police; and he could not but think that if they tried, by some means or other, they could get men into the Army of the character that there were in the police, and then there could be no question about branding. He was entirely opposed to any branding, and had voted against it on previous occasions. There was something to him absolutely repulsive in having to bolster up their military system by branding men like a herd of cattle; and, although they had been told by his hon. and gallant Friend behind him that they should not look upon branding as a disgrace, but that it should be turned into an element of honour by a crown being affixed on some part of the person—he did not say back or front—of every man that enlisted, whether officer or private, yet that did not, in his opinion, shake his abhorrence of the system. He had no intention of enlisting as a private, nor was it ever likely that he should ever have a commission as a second lieutenant.

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COLONEL ALEXANDER observed, that he had only suggested that the number of the regiment should be marked on each man.

LORD ELCHO said, that the hon. and gallant Gentleman's proposal was that every man should have a number as a sort of convict badge. Now, although he was not likely to go into the Army, he might possibly have a son who would be a second lieutenant; and he should object not only to branding deserters, but still more so should he object, if their system was so bad that they had to brand both officers and privates. He objected to branding with the Crown, or anything else, for the purpose of catching deserters, men who could not be at present apprehended because of the faults of the system; and, *a fortiori*, he should object to any son of his being branded because he entered the Army. To say that to be thus marked with a Crown was an honour! A strange kind of honour founded in dishonour. For his part, he should raise his voice most emphatically against such a system. The matter ought to be dealt with in a very different way; and the subject was a larger one than could be discussed at that time, when the Bill ought to be proceeded with with all reasonable speed. When the subject was brought on he trusted that it would be discussed in a full House. If the question were dealt with in the way it had been suggested—namely, as a question of vaccination—he thought that some hon. Members would certainly raise very great objections to that.

SIR ALEXANDER GORDON understood the Secretary of State for War to have said that he would withdraw this clause.

COLONEL STANLEY observed, that he had not stated that, but had only said that he had no objection to leave out the words to which the hon. and gallant Member for Leitrim (Major O'Beirne) objected, and to put in certain other words. He might observe that the proposal for branding did not emanate from him; but the provisions of the clause were necessary to meet the case of confirmed bad characters, and enable the authorities to deal with them.

SIR ALEXANDER GORDON noticed that Clause 32 was headed "Offences in relation to enlistment," and another clause on page 51 was headed "Offences as to enlistment." He could see no

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Gentleman (Colonel Mure), who appeared to be raising a wholly different question.

THE CHAIRMAN said, it did not appear to him that that was the most convenient place for the observations of the hon. and gallant Member to be made, as they did not strictly relate to the subject-matter of the clause.

COLONEL MURE observed, that the subject was most important; and although, according to the ruling of the Chair, it could not then be brought forward, he hoped that it would be fully discussed on Report.

COLONEL ALEXANDER suggested that not only every soldier, but that every officer entering into a regiment should receive a mark. Every second lieutenant on joining, as well as every private, should be marked with the name of his regiment. A great misconception had arisen from the use of the word "branding;" but it was quite unnecessary to use that term. They had heard from the hon. and gallant Member for Renfrewshire (Colonel Mure) that it was absolutely necessary, on the first conviction for desertion, to mark with the letter D; but the court had power to abstain from so doing, if they thought there was sufficient reason. He would not at that point enter into the question of the advisability of using the letter D; but would only say that it was quite distinct from the use of a regimental mark. To the use of the letter D he did not think the House would ever again consent; but he did think it very necessary that every soldier should be marked with the name of his regiment.

GENERAL SIR GEORGE BALFOUR urged the Secretary of State for War to take into consideration the suggestions that had been so admirably urged by the hon. and gallant Member for Oxfordshire (Colonel North). It would be well for a careful inquiry to be made into these matters.

MR. E. JENKINS was sorry that the right hon. and gallant Gentleman the Secretary of State for War was not at that moment in the House; but he was glad to see the Judge Advocate General in his place, as he would be able to reply to the observations which he had to make with regard to this clause. The more he considered this clause the less he liked it; and he thought the remarks of the hon. and learned Member

for Oxford (Sir William Harcourt) ought by that time to have had some weight, because the hon. and learned Member agreed in supporting this Bill, and was the Chairman of the Committee upon whose recommendations this Bill had been drawn. He wanted to point out to the Committee that this clause affected not every person subject to the Military Law, as the 13th did, but every person having become subject to Military Law. The object was that the military authorities might follow into civil life a man who had been discharged with ignominy; upon his release and entrance into civil life it was sought still to bring him under the provisions of the Act, and to subject him to a military court martial. Surely, the Bill was harsh enough as it stood, without the introduction of such extra punishment as the subjecting a man who had re-entered civil life to a court martial and a sentence of penal servitude. It seemed to him that this clause was perfectly gratuitous; for it provided severe and unnecessary punishment in the case of fraudulent enlistment, which offence was already provided for by another clause. He would take the sense of the Committee with regard to the maintenance of this clause; for the more he considered it the more he thought it was unnecessary, and unduly severe. It was merely an attempt, by imposing penal servitude, to endeavour to dissuade persons from committing crime. Because the organization of the Army was imperfect, and because the right hon. and gallant Gentleman, as he had admitted, found difficulties in registering the name of every person who had been dismissed the Service with ignominy, undue penalties of this sort were to be imposed. It was simply an attempt to prevent, by highly penal legislation, an offence which arose from the want of organization of the Army. He thought that the right hon. Gentleman the Home Secretary must see that the clause was too severe; it was a clause against the general policy of legislation, and, indeed, it was admitted to be so. There was nothing in the present Mutiny Act or the Articles of War even remotely akin to it; and he would ask whether, in order to meet the difficulty of persons re-enlisting who had been discharged with ignominy, it was right to introduce a clause of such severity as this into an Act of Parlia-

Mr. E. Jenkins

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difference between these two; and it seemed to him unnecessary to deal with the offences in two places. With regard to the suggestions that had been made, by more than one hon. Member, with regard to branding—and it was nothing else—for officers and soldiers, he was glad to hear his right hon. and gallant Friend state that the proposal did not come from him; but he must ask the Committee to remember that that proposal had come from the Predecessor of the right hon. and gallant Gentleman. When he proposed such a system, he (Sir Alexander Gordon) took the liberty of suggesting that he had better drop the question, inasmuch as it was a proposal that would not be acceptable to the House or to the country, and that, in effect, it was to put a mark on every man in the Army because he could not be trusted. The only reason for the proposal was that they could not trust their soldiers; and he hoped that the right hon. and gallant Gentleman might be induced to change his present determination.

Mr. MUNTZ did not remember its being proposed to brand every officer and soldier in the Army. There was some discussion as to branding deserters, and some hon. Member on that side of the House wisely suggested tattooing instead. He thought, however, that if they were to brand or tattoo every officer and soldier in the Army, they would do away with all self-respect, and he certainly could not agree to such a proposal. With respect to the provisions of this clause, everyone guilty of the offence of re-enlistment was to suffer penal servitude. That seemed to him a far more severe punishment than ought to be inflicted for any such offence; imprisonment with hard labour was the worst punishment that he considered should be inflicted. In the case of felony, and other serious crimes, penal servitude was properly inflicted; but it was too severe a punishment to award to every man enlisting again who had been discharged with ignominy.

COLONEL STANLEY explained that the punishment was to meet the case of men who had been discharged as utterly incorrigible, and who had, in all probability, passed the best part of their lives in prison, and who were in every way a nuisance to the regiment in which they had enlisted. Those were the men

whose case was intended to be met by this clause—if he might use so strong a word, the case of the men who were the curse of the Army. He trusted the Committee would agree with him as to the necessity for this provision, and that they would consent to leave the words “penal servitude” in the clause. He did not, by any means, say that the punishment should always be inflicted; but it was necessary to have a stronger deterrent upon men who had passed five or six years in prison and enlisted over and over again, and who brought discredit on every regiment into which they came. He did not think that these men were too hardly dealt with if they suffered somewhat severely under this clause. The clause only applied, as the Committee would see, to men who had been discharged with ignominy, and as incorrigible and worthless.

Mr. E. JENKINS observed, that the right hon. and gallant Gentleman seemed to forget that the clause applied not only to the Regular Forces, but to the Auxiliary Forces. Perhaps he would inform the Committee how it was possible for a man to be discharged with ignominy from the Volunteers? He stated that the clause was intended to apply to persons who had been dismissed as incorrigible; but the clause also applied to Volunteers. Perhaps the right hon. and gallant Gentleman would state whether that was correct or not? The clause seemed to him to be wider than was supposed.

SIR HENRY HAVELOCK said, that the hon. Member for Dundee (Mr. E. Jenkins) forgot that the Auxiliary Forces included the Militia. He did not say that this clause applied to the Militia generally, yet the men who continually committed this offence, when they found that their game was blown in the Line, after about 14 or 15 offences of fraudulent re-enlistment in the Regulars, turned their attention to the Militia. The clause was, doubtless, intended to meet their case. He did not think that the punishment of penal servitude was at all too great for such men. In a case that had occurred some years ago, a man, who had formerly held the rank of corporal, was dismissed, and he re-enlisted no less than 10 times in successive regiments. Such a case as that, in his opinion, showed the necessity of the clause.

Sir Alexander Gordon

usually undergone every other punishment before they were sentenced to penal servitude.

MAJOR NOLAN said, there was one case very well known, for it got into all the papers. A man—the case belonged to the Artillery—carried off some article from a shop. In fact, he wanted to be discharged; but the magistrate refused to convict him, as his object was extremely clear. He took the article in the sight of several persons. That was only one case out of many. Under this clause, a man might have a very good character, and yet be sent to penal servitude. He really did not see why they should impose so excessive a penalty as this, if they did not mean to enforce it. He did not think they would deter men from re-enlisting by this penalty.

SIR ALEXANDER GORDON said, the Committee was under a misapprehension as to the purport of this clause. It was supposed that this clause was to meet cases of repeated acts of desertion. It had nothing to do with that. It simply referred to the case of a man discharged from the Navy enlisting in the Army. It only met that case; and there was no law by which they could transport a man if he committed that offence. He believed three months' imprisonment was the most he could get. The House now proposed to increase that to penal servitude, and he should propose to insert imprisonment instead of penal servitude. He believed the discussion had been conducted under a wholly erroneous impression. It was not a case of repeated desertions that they were dealing with.

MR. MUNTZ said, five years' penal servitude was a severe punishment, and ought to be given only under exceptional circumstances; and if it was proposed to leave out the words "penal servitude," and substitute "two years' imprisonment with hard labour," he should have pleasure in voting for it.

MR. BULWER hoped the Committee would be careful what it was about in regard to this Amendment, which he trusted would not be carried. At the same time, he would point out that two years' imprisonment with hard labour was a punishment the severity of which was not sufficiently realized.

MR. HOPWOOD said, he would rather limit the punishment to imprisonment only, and he had moved an Amend-

ment to that effect. Imprisonment must be confined to two years; whereas penal servitude might be given for life.

MR. E. JENKINS said, they had discussed this subject for a long time, but there was no sign of any concession from the front Bench. He wished to point out that this was an attempt to make the law more severe. That was clear. Suppose they were to adopt the Amendment, if his hon. and learned Friend looked to the next clause, he would find that any person making a false statement was liable to a very severe punishment. He wanted to know what was the object of bringing in this clause at all? It was said that it was to prevent persons discharged with ignominy re-enlisting in Her Majesty's Service. He could conceive the case of persons re-enlisting who might really become serviceable soldiers, and he could not see why this exceptional punishment should be introduced aimed at these persons. There was a want of organization in the Army itself, because a record was not kept, not only of those enlisted, but of those discharged with ignominy. It was said there was a difficulty, because in the Colonies and on foreign service these discharges occurred, and no record could be kept at home. That was no answer. A record could be kept, and ought to be sent home and registered; and he maintained that this was entirely an unnecessary clause. It seemed to him that it was an attempt to introduce a drastic remedy.

Question put.

The Committee *divided*:—Ayes 93; Noes 35: Majority 58.—(Div. List, No. 94.)

MR. E. JENKINS said, he must repeat that he felt it his duty to protest against this clause. He was very sorry to say it; but it seemed to him that the front Bench on that (the Liberal) side appeared to have entered into the Lobby with the Ministers for the purpose of enforcing this clause. He said the front Bench; but he should rather say the remnants—the relics—of the front Bench had joined Ministers to force on the Committee this monstrous clause. It was an infamous clause, and he protested against it. He asked the Committee to consider what this clause really was. He referred them to Clause 13, Clause

96, and Clause 33; and he asked what could be the necessity of accumulating penalties? It seemed that the object was to subject a man to penal servitude, because, having been discharged with ignominy from the Service, he had once more enlisted; but the truth was, the object of this clause was to make up for the deficiency of the organization and administration of the Army; and he certainly should divide the Committee once more against the clause.

SIR WILLIAM HARCOURT said, the hon. Member had denounced everybody who differed from him in that House. As to what was said about the front Bench, his reply was this—that as the front Bench did not expect the hon. Member to follow them, the hon. Member should not expect the front Bench to follow him on this or other occasions. These things should be reciprocal, and he did not see how the hon. Member was entitled to expect the front Bench on this occasion to obey his behests. The hon. Member spoke of this clause as “infamous,” after it had received the sanction of a considerable majority. This showed a temper which the hon. Member was too apt to display, though ready to disclaim on all occasions.

MR. O’CONNOR POWER said, that, of course, any appeal made by the hon. and learned Member would receive weight; but it was his duty to observe that they had been debating a great many matters not referred to or included in the clause at all. During the absence of the hon. and learned Member, the Chairman had to interfere on more than one occasion in order to restrict the latitude which hon. Members had given themselves in discussing matters which had no reference to the clause. Now, they had just arrived at the discussion of the clause; and if he had sufficient authority, or perhaps audacity, he would venture to correct the hon. and learned Gentleman, and tell him that they had not been debating it three hours and a-half. It was only quite recently they had taken the matter up in earnest; the Committee had refused to limit the words “penal servitude;” and it appeared to him that if the words were not limited—if the word “imprisonment” were not inserted—they ought to limit the term of penal servitude which it was within the power of the courts martial to inflict. He therefore moved as an

Amendment, to insert, after “penal servitude,” “not exceeding five years.”

THE CHAIRMAN ruled the Amendment out of Order.

MAJOR NOLAN said, 2,000 were discharged with ignominy every year for misconduct, and very possibly 100 of these might re-enlist; and if this clause was enforced they would give a great number of men a very heavy punishment. Of the 2,000, only 375 were discharged for “good conduct”—that was, discharged free. He believed they were entirely on the wrong road on this question. There was something rotten in the whole system; it was bad administration. It was not the fault of the present Secretary of State for War. What he had done was in the right direction; but there was bad administration.

COLONEL STANLEY neither denied nor accepted the figures given by the hon. and gallant Member.

MAJOR NOLAN said, they were from the public Returns.

COLONEL STANLEY said, it did not follow that the word “misconduct” would include misconduct with ignominy. It was sought to draw a contrast between the discharges which took place for disgraceful conduct and other discharges; but it would be found, when the Committee came to proceed farther on in their labours, that there was a clause allowing men to go to the Reserve, affording facilities for leaving the Service.

MR. E. JENKINS said, before the hon. and learned Member for Oxford left the Committee he must say a word or two with reference to the remarks he had thrown out. He certainly felt it to be his duty to refer to the fact that the front Bench on most important occasions was a vast hiatus. The hon. and learned Gentleman said there must be reciprocity, and that if he was expected to lead others must at least follow.

SIR WILLIAM HARCOURT: I beg pardon. I said the opposite.

MR. E. JENKINS: That if we expected him to lead, at least there must be some reciprocity, and we must follow those who lead. That would be true, if there was anything or anybody to lead.

SIR WILLIAM HARCOURT: The hon. Member must have misunderstood me. I did not expect anything.

MR. E. JENKINS: Exactly. The hon. and learned Member is right. He

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ought not to expect anything, because there is no attempt at Leadership in any manner or form. And I did not venture to suggest that the hon. and learned Gentleman was going to lead. That has not been his position heretofore, and the time is far distant, I suppose, when he will be in the position of Leader. The hon. and learned Gentleman—

SIR ARTHUR HAYTER: I rise to Order, Mr. Raikes. I want to know whether the observations of the hon. Gentleman are in connection with the Business before the Committee?

THE CHAIRMAN: No, they are not. The hon. Member's remarks have no reference to the matter before the Committee. At the same time, I must say that the hon. Gentleman is entitled to some latitude in replying to some remarks which have been made.

MR. E. JENKINS: I was only going to point out, as the question has been raised by the hon. and learned Member for Oxford, that if we are to follow we must have someone to lead us. I think we ought to have Leaders occasionally present to show us what our duties are on the question of the day. The hon. and learned Member is a curled darling of the *salons*. He strolls down from Olympus with his hands in his pockets. A question comes up. He rises—

"Like some tall cliff that rears its awful form,
Smiles from the vale, and midway leaves the storm!"

He—

"Assumes the God,
Affects to nod,
And seems to shake the spheres!"

We thirsty souls below the Gangway listen with reverence. He shakes his ambrosial curls and scatters on us a few drops of Olympian dew. We fancy he is Jove; but, in truth, we find he is only Ganymede; and yet he blames us if we do not happen to agree with him. I protest against this. I do not propose to be deterred from doing my duty by any remarks coming from the hon. and learned Member. Coming back to the question before us, I say that this is a drastic clause, and I feel it is a monstrous thing that such a clause as this should be allowed to remain in the Bill; but it seems that the Bill has been arranged or "squared" by the two front Benches, and that it is utterly useless for anyone else to say anything. I will not now divide the Committee, because I know it

would not be of the slightest use; but I felt it my duty to make these few remarks. I must, however, point out that the clause makes the law more stringent than it is in the old Mutiny Act, Section 48. There a person must be charged with having wilfully made a false statement in answer to any question directed to be put to him by the proper authorities. This clause, which simply says "to have made a false statement," gave too wide a latitude, and it ought to be restricted within the words of the old Act. I will propose to insert the word "wilfully."

Amendment agreed to.

MR. E. JENKINS said, then they ought to follow the line of the Act, and insert the words "district or garrison."

Amendment moved, in page 14, line 32, after "by," to insert "district or garrison."—(Mr. E. Jenkins.)

COLONEL STANLEY did not see the necessity of inserting these words, as the words court martial would include them all.

SIR WILLIAM HARCOURT observed, that it would be inappropriate to adopt them, because that would be the old classification accorded to punishment. They put the words "district or garrison" in the old Act, in order to show the magnitude of the punishment.

Amendment, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

Clause 33 (False answers or declarations on enlistment) *agreed to*.

Clause 34 (General offences in relation to enlistment).

SIR ALEXANDER GORDON asked why different punishments were inflicted on the officer or non-commissioned officer who knowingly enlisted a man dismissed with disgrace from the Army, and that to which they subjected the man himself? The man was punished with penal servitude, while the others escaped with simple imprisonment. Yet, surely, the offence was greater in the officer or non-commissioned officer, and they ought to be punished at least as heavily as the man, who, perhaps, was induced to commit the offence by starvation, or, on the other hand, might be influenced by a genuine desire to reform his character. They had heard a good deal about one

law for the rich and another for the poor; but it did appear to him that this was an instance in which the poor man was severely punished, while the rich man got off easily.

COLONEL STANLEY explained that penal servitude was inserted to meet the case of men of persistent bad character, for whom imprisonment had no terror.

MAJOR NOLAN hoped the Government would withdraw the clause. He thought they did wrong in proposing such a clause as Clause 32, and even now he hoped they would withdraw that also on the Report. It was much better to be right and a little inconsistent than to be wrong merely for the sake of consistency and of making the Bill a symmetrical Bill. He was afraid that desire for symmetry had gone too far.

MR. GOLDNEY added that a man might not exercise his reasoning powers enough in answering, and even this might subject him to this punishment.

SIR ALEXANDER GORDON thought that the right hon. and gallant Gentleman was a little in error, for Clause 32 was not framed to meet the case of desertion. It would apply to the single case of a man who had been dismissed from the Army. He offered himself to the sergeant, who knew he had been dismissed. He was liable to penal servitude, while the non-commissioned officer would only suffer imprisonment. He should like to move to leave out the words; but as the right hon. and gallant Gentleman would not accept them it was of no use.

MR. E. JENKINS asked if there was any objection to leave out the words "has reasonable cause to believe?" Supposing a man were brought before the court, how would it be proved that he "had reasonable cause to believe?"

THE CHAIRMAN: That cannot now be done. An Amendment has been made later in the clause, and it is not competent for the hon. Member to go back.

MR. PARNELL said, to make the clause tally with the Amendment of the previous clause, the words "or as objectionable" must be omitted.

Amendment *moved*, in page 15, line 3, after "disgrace," to leave out "or as objectionable."—(Mr. Parnell.)

Amendment *agreed to*.

Clause, as amended, *agreed to*.

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Miscellaneous Military Offences.

Clause 35 (Traitorous words) *agreed to*.

Clause 36 (Injurious disclosures).

GENERAL SIR GEORGE BALFOUR called attention to an important change which had been made in the clause, consisting of an addition which seemed to him to be a most dangerous one. A military person, according to the clause, in the course of a most harmless conversation on ordinary military questions which usually occupied the thoughts of officers and men in a campaign, as to the state and condition of the Army in regard to men and stores, might be accused of having produced, "or incurred the risk of producing," effects injurious to Her Majesty's Service. Frankly, that seemed to him a terrible opening for many a courts martial. He had served in a country where treachery was common, and where the contents of the magazines was most important, and naturally subject-matters for common talk at messes or private parties, yet he had never known it necessary to put in force the first part of the clause. But, certainly, it was a new thing that officers, for merely speaking to one another about the contents of the magazines or stores, should be charged with "incurring the risk of producing" injurious effects. This creation of new offences was very objectionable, and he would move the omission of the words.

Amendment *moved*, in page 15, line 25, after "produced," to omit "or incurred the risk of producing."—(General Sir George Balfour.)

COLONEL STANLEY, unless the Committee generally wished the words to be omitted, would prefer to retain them, because it seemed to him that the offence lay in the indiscretion, or in the wilful intention, rather than in the actual act. From a moral point of view, the offences were much the same. It was quite true that under the former Act greater latitude was given to a court martial; but, still, he should hesitate to withdraw the words.

MAJOR NOLAN observed, that the words in the old Act were "either verbally or in writing," leaving out the hypothetical case altogether. He remembered that very Article of War was discussed while he was at the Staff

College, that an officer's letters and correspondence would come under it, except that it would be very difficult before a court martial to prove any injury. But if this clause were adopted as it stood, every single officer's letter written home, containing merely a statement where he was stationed or where his regiment was ordered to, would render him liable to a court martial. That was a rule which no country in the world had as yet introduced into its military law. It was, in fact, punishing a man for an hypothetical case. It would be very hard on officers, and might be twisted into a regular means of keeping the war correspondents in the power of the General. He did not suppose a newspaper correspondent, as a civilian, would come under the operation of this clause; or, if he did, that he would be in much danger, for the common sense of the country at home would protect him; and, still, a hasty General might use this power. It was a very serious proposal to introduce.

SIR HENRY HAVELOCK could not agree that an offence of this kind should be actually committed before it was punished. That was the very thing they wanted to do. Their aim was that all persons with an Army in the field should feel the imperative necessity which lay upon them of, under no circumstances, making disclosures which might be injurious. Hon. Members forgot also that the court martial had discretion, and certainly would not allow the clause to be strained. The danger suggested was quite chimerical; and, for his part, he thought the caution and reticence imposed on every person by the clause was very wise and necessary.

MR. GOLDNEY said, the clause dealt with the case where a disclosure was made which would incur the risk of producing injurious effects. An ordinary letter could not come under that clause.

MR. HOPWOOD objected that the clause was new; and therefore a stronger case was required to justify the addition of it to the Bill than if it were a part of the old Act. Experience had shown that the clause, as taken from the old Act, was sufficient; and why, then, should these words be imported into it, which were so little susceptible of any definite legal meaning? But the objection was important on other grounds. They

knew already that certain commanding officers objected to newspaper correspondents, and that, in some instances, they had appointed members of their own staff for the purpose. It must be true that that was so, or they could hardly have received the intelligence which had been published in some of the newspapers, from places where no civilian correspondent was allowed. But such an officer might inadvertently put something in his letter which might "incur the risk of producing injurious effects," although it by no means came within the positive words of the old clause. Again, there was nothing to designate wilful conduct in the clause, and a man, quite inadvertently, might do something which rendered him liable to this penalty. He did not think a case was made out for the alteration. The Army had done without it for a number of years, and he trusted it would not be pressed.

SIR WILLIAM HARCOURT admitted that the presumption was against the clause. But suppose a man did reveal a movement of the Forces which, if it reached its destination, would produce most injurious and destructive effects, and would ruin and destroy the whole of the Army, and his communication was intercepted before it reached its destination—should not that man be punished? Apparently not, according to the present law. It seemed to him that these words ought to be put in to meet that case. They could not protect themselves sufficiently by enacting that the man should be punished when the actual mischief was done.

MR. HOPWOOD was quite ready to admit the force of the illustration of his hon. and learned Friend; but, at the same time, he must point out that these words were so vague that they would include an entirely innocent act, which, though it had not, in fact, produced any mischief, might be prosecuted as having incurred the risk of doing so. He submitted that if the changes were to be made some more distinct words should be inserted.

MR. E. JENKINS wished to call the attention of the Committee to the fact that these words were really directed against newspaper correspondents. Under Clause 167, sub-section 8—

"All persons not otherwise subject to military law, who are followers of or accompany Her Majesty's troops, or any portion thereof,

when employed on active service beyond the sea,"

were made subject to military law, and were, therefore, subject to this clause. [Admiral Sir WILLIAM EDMONSTONE: Hear, hear.] He was glad to hear the chronic cheer of the hon. and gallant Admiral; but he must remind him that this clause affected newspaper correspondents also. If it was not the intention of the Government that it should do so, it was the fault of the draftsman of the Bill, who certainly almost deserved hanging, for every single alteration in the Bill was made with the object of increasing the punishment. [Sir WILLIAM HARCOURT: No, no.] He ought, of course, to withdraw that remark, if that was the opinion of the hon. and learned Gentleman the Member for Oxford. Still, he must point out that this clause differed from the clause in the Articles of War. The matter was left in the discretion of the court, but not in such a manner as to allow them to deal with the actual effects injurious to Her Majesty's Service alone. It was left to the military authorities, whose powers were really enlarged by other words which, extending the operation of this penal clause, he strongly objected to. The words were "or incurred the risk of producing," and might include a letter written by a man to his wife, and which she might foolishly publish in the newspapers. If the object of these words was to render the clause more severe than the Article of War, some good reason should be given for it.

MAJOR NOLAN thought the case proposed by the hon. and learned Member for Oxford (Sir William Harcourt) was provided for by the 5th clause of the Bill. If the Committee wished to go any further into that subject, he was prepared to move the insertion of the words "or intentionally calculated," which would meet the case of a man who meant to give information; but it rested with the Government to say why they meant to punish a man whether he intended to do so or not, and to give a very strong reason for the proposed alteration. He (Major Nolan) believed that the clause was directed against special correspondents; and if that were so, it would, in his opinion, be much better for the Government to state the fact. The Committee was aware that there were certain arguments in favour of a control being exercised over newspaper correspondents;

but he thought that either fresh words should be inserted, or that the words "or incurred the risk of producing" should be left out.

MR. A. H. BROWN pointed out that this clause, although it included military correspondents in the words "every person subject to military law," and laid down the punishment to be awarded to officers and soldiers, did not provide, in any way, for punishment of a civilian, who, by writing to a newspaper, for instance, might produce an effect injurious to Her Majesty's Service. The clause, therefore, so far as newspaper correspondents were concerned, who were not subject to military law, was practically inoperative. He was certainly of opinion that, under this clause, no civilian who happened to be with the Army in the field could be punished for making any disclosure which would be injurious to Her Majesty's Service.

MR. STAVELEY HILL referred the hon. Member (Mr. A. H. Brown) to Clause 167, which included, as subject to military law, "all persons who are followers of or accompany Her Majesty's troops," &c.

SIR ALEXANDER GORDON pointed out that if it was the intention to try newspaper correspondents by court martial, the Act did not make that provision. It was clearly a defect in the Bill to create an offence, as had very truly been pointed out, and then to omit all mention of the means of punishing those persons who committed it.

MR. MELDON thought the Committee ought not to be satisfied until they were clearly informed whether the clause was intended to meet the case of newspaper correspondents, or of officers' wives who might publish a letter from their husbands in the newspapers. This clause being penal, and creating a new offence heretofore unknown to the law, it lay upon the Government, clearly, to show some necessity, and produce evidence that the law, as hitherto existing, had not worked well. The argument of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) had seemed to him at first sight to have a good deal of force in it. The case had been assumed by the hon. and learned Gentleman of a person writing a letter knowing that it would have a mischievous effect; and it was asked, why should that person not be punished?

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The answer was, this was not the intention of the clause. The offence intended to be met was that of a person who never had any intention to write what would result mischievously towards Her Majesty's Forces. Therefore, there was no analogy between the cases of a person who committed a criminal act, and who should be punished under a clause for "giving information intentionally," and the case which was contemplated by the clause of a person unintentionally disclosing information which might produce effects injurious to Her Majesty's Service. It had not been shown that the existing law worked badly; and he did not think that it would be sufficiently safe for the Committee to proceed to the creation of a new offence upon mere surmise.

COLONEL STANLEY hoped the Committee would not assent to the doctrine that wrong-doing was not wrong-doing unless ill come of it. In this case, the court martial was called upon oath to decide that an offence had been committed in regard to the

"Disclosure of the numbers or position of any Forces, or any magazines or stores thereof, or any preparations for, or orders relating to, operations or movements of any Forces, at such time and in such manner as in the opinion of the Court to have produced, or incurred, the risk of producing effects injurious to Her Majesty's Service.

He could see no other way than this by which the Service could be safeguarded. He would point out to the Committee that the whole circumstances of war had been so changed by the telegraph at the present day that information was forwarded from one point of the world to another with such rapidity that a person might very well produce effects injurious to the Service without intending to do so altogether. He hoped the Committee would not lose sight of the whole scope of the clause, which involved the honour and safety of the country in time of war. He did not think they were doing too much in demanding that persons should weigh well their words, and consider, before they published them, whether they would be likely injuriously to affect the Public Service.

MR. O'CONNOR POWER said, the argument used by the right hon. and gallant Gentleman did not apply to the present case; because, if a man placed an obstruction upon a railway, he did so

with intent; but the object of the present clause was to get at persons who did not intend to produce the consequences desired to be guarded against. He was prepared to admit that cases of the kind contemplated should be provided against; but the manner of doing so required very careful consideration. The object should be to strike at those who intentionally offended, not at those who, though they offended, did so without intent. During the present Session attention had been called to the case of a correspondent who sent home a report of the proceedings of one of the Generals engaged in the Afghan War, and hon. Members all knew what was alleged to be the consequences of that report. Unless the clause was modified, when the Bill became law, hon. Members would find on taking up the newspapers that no reliance could be placed on the reports of correspondents, because it would be felt that they were awed by the commanding officer from giving any description of tactics, or, indeed, anything of real interest relating to the Army in time of war. This was an extraordinary position in which to place the country at home. But the better way was to say nothing about the necessity of providing against the case at all; for it was well known that everyone admitted to the camp was, of course, more or less under military discipline. He did not go the length of saying that because a man was a newspaper correspondent he should have the right of doing and saying whatever he pleased, quite independently of the Military Code. He could not suppose that any General, having regard to the success of the Forces under his command, would admit correspondents into his camp without placing them under some regulations and some restrictions; but he said that the way in which it was intended to deal with offences of the kind referred to would be injurious to the interests of the country, and would deprive people at home of any reliable or authentic information of what was going on.

MR. BULWER thought, on reading the clause, that it would not meet the views of hon. Members opposite; but he did not think, even if the wording was altered, that the clause should be restricted in any way, so as to fall short of the intention of Gentlemen on his

side of the House. He would suggest that the substitution of the following words would meet the view of the Committee:—

“And thereby, in the opinion of the court, produces, or attempts to produce, effects injurious to Her Majesty's Service.”

No one would desire that a person should be punished for having produced injurious effects, perhaps, with the most innocent intention possible.

MR. PARNELL did not think the clause, even if altered, would be satisfactory, so far as regarded newspaper correspondents. It must not be forgotten that the clause was an adaptation of an old Article of War, which had been altered and made more stringent; and at last it had been made to include in its provisions men for whom it was originally in no way intended. He thought that if the right hon. and gallant Gentleman really wished to deal with the case of newspaper correspondents, he should introduce a separate clause for that purpose. Whatever clause it might be necessary to pass with regard to the control of newspaper correspondents, and preventing them making important disclosures, they should be treated as a special class, and be controlled by a special clause; for by subjecting them to the same operation of the same clauses as those which applied to soldiers, they placed them in a position in which no newspaper correspondent ought to be placed. By all means, exact sufficient guarantees that military operations should not be injuriously affected by the articles of newspaper correspondents; but not by the application of the present clause.

MR. E. JENKINS thought that the clause could not have received sufficient consideration from the right hon. and gallant Gentleman. The question appeared to him to be whether, by the passing of this clause, the object in view, which was to prevent newspaper correspondents from satisfying prurient curiosity, would be attained. He thought not; for it would be remembered that during the Russo-Turkish War, the Czar ordered that no newspaper correspondents should go to the front, with this result—that even he found that it was absolutely necessary to yield to public opinion, and let them accompany the Army. In that case, it was perfectly certain that information came from the

Turkish Army which was read in the Russian Army, and *vice versa*. He thought the best regulation for correspondents of the Press was to put them on their honour. But if the clause, as at present, remained in the Bill, he put it to the Committee whether such men as Archibald Forbes would enter a camp, and whether he would not telegraph home all the information he wanted to send without placing himself under the operation of the Act? The points raised seemed to him to be of such importance that, in view of the discussion which was coming later on, he would move to report Progress.

Motion made, and Question proposed, “That the Chairman do report Progress, and ask leave to sit again.”—*(Mr. Edward Jenkins.)*

COLONEL STANLEY said, the issue was a comparatively small one, and he trusted that the Committee would come to a decision upon the words—whether they were to stand part of the Bill or not.

GENERAL SIR GEORGE BALFOUR pointed out that the Duke of Wellington was placed in the same difficulties with regard to correspondence from Spain—not only subordinate officers, but officers of very high rank were known to have expressed their opinions about the Army and its stores in a manner far from satisfactory either to the Duke or to the nation; but instead of trying to punish the writers he appealed to their good sense, and pointed to the fact that much of the information obtained by Napoleon was got from letters sent home from the Army. The disordered state of the Crimean Army and its dangerous condition were all pointed out in private letters, and thereby saved from the impending destruction. As it was now 11 o'clock, he hoped that the Chancellor of the Exchequer would agree to report Progress, according to the arrangement made earlier in the evening.

THE CHANCELLOR OF THE EXCHEQUER: I said I would report Progress; but, of course, I could not fix the time to a few minutes; that would depend upon the progress made. We do not propose to go beyond this clause, which, I understand, has been under discussion for a considerable time; but I think it is only fair and reasonable that the present clause should be finished.

Mr. Bulwer

MR. O'CONNOR POWER submitted that the arguments put forward against this important clause had not been answered. He supported the Motion to report Progress.

SIR HENRY HAVELOCK suggested the insertion of the word "wilfully," before "discloses."

SIR HENRY JAMES thought, as the point raised was obviously a difficult as well as a delicate one, that the right hon. and gallant Gentleman would do well to re-consider the clause and bring it up on Report.

Question put.

The Committee *divided*:—Ayes 38; Noes 146: Majority 108.—(Div. List, No. 95.)

On Question, "That the Clause, as amended, stand part of the Bill?"

MR. O'CONNOR POWER said, the clause had attracted much attention during the Division, and several hon. Members, who had just entered the House, had expressed their wish to state their opinions upon the subject. He therefore hoped that the right hon. Gentleman the Chancellor of the Exchequer, in order to keep his engagement with the hon. Member for Roscommon (the O'Connor Don), would support the Motion which he then made that the Chairman do now leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. O'Connor Power.*)

SIR WILLIAM HARCOURT said, there was really some difficulty with regard to the wording of the clause; and as at about that hour it had been agreed that another measure of considerable importance should be introduced, he did not think the Government would gain much by going on with the clause. If some time were spent in considering how the Government could amend or deal with the clause the time would not be wasted.

COLONEL STANLEY said, if the clause were agreed to he would assent to the omission of the words in question, on the understanding that words of a similar meaning should be introduced on Report.

MR. HOPWOOD could not assent to such a bargain as that.

COLONEL STANLEY replied, that in that case he could not agree to the omission of the words.

THE CHANCELLOR OF THE EXCHEQUER: I think hon. Members opposite must have seen that there is every desire, on the part of the Government, to afford them facilities for expressing their views upon this Bill; and, therefore, I think the proposal of my right hon. and gallant Friend is very fair and reasonable. It was understood, at the beginning of the evening, that we should endeavour to report Progress about this time, in order to allow the hon. Member for Roscommon (the O'Connor Don) to bring forward his measure, and it was right that such understanding should be acted upon. I hope we shall be allowed to finish this clause; but the difficulty raised is one which appears to render further consideration desirable; and what my right hon. and gallant Friend proposes is that the words objected to should be omitted for the present, and that he should consider the Amendment to be brought up on Report.

MR. O'CONNOR POWER confessed himself ashamed to enter into any such bargain. He was, however, willing to withdraw his Motion that the Chairman leave the Chair.

MR. HOPWOOD said, that why he had objected to the proposal as it was at first made was because, if the Committee assented to its terms, it must be taken to agree to the clause in substance, in which case all the arguments of the evening would have been wasted. He had deemed it right to state that he, for one, could not be bound in that manner.

MAJOR O'GORMAN wished to say that the right hon. Gentleman the Chancellor of the Exchequer had not in any way fulfilled his promise to the hon. Member for Roscommon (the O'Connor Don); but with regard to the main subject he also desired to say a few words. He begged leave to point out that it must be all the same to an Army whether it was cut to pieces in consequence of news published to the world by guilty hands, or whether it was destroyed through information derived from innocent parties. Therefore, he maintained that both those people who were really culpable, and those who might not seem to be culpable, should receive precisely the same punishment; and that all information as to proceedings of the Army in the field, which might be made use of by the enemy, should be utterly

repressed by law issuing from the House of Commons.

Motion, by leave, *withdrawn*.

Clause, as amended, *agreed to*.

House *resumed*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

M O T I O N .



UNIVERSITY EDUCATION (IRELAND) BILL.

LEAVE. FIRST READING.

THE O'CONOR DON, in moving for leave to bring in a Bill upon University Education, Ireland, said, his first duty was to thank the right hon. Gentleman the Chancellor of the Exchequer for affording him an opportunity of making the Motion he was about to make at an earlier hour than he himself could command. He felt that in making this Motion, and in asking leave to introduce a Bill dealing with University Education in Ireland, he was undertaking a great responsibility. The question was one which had baffled the greatest statesmen, and had tried the strength of the strongest Governments; and at first sight it might seem extreme folly for any private Member to attempt to deal with it. Yet, perhaps, in this, the apparent weakness of the instrument, consisted its real strength; and although he and those who were associated with him had no strong Party at their back, yet, on the other hand, they had no prejudices to conciliate or to fear, and if they were wanting in the strength possessed by a strong Government, they were freed from the anxiety lest their action in the matter should break up their majority and destroy their strength. In addition to that, they possessed the no small advantage that the Bill they introduced was of no Party character, and that its success or failure could not in any way affect Parties in the House; and, consequently, all temptations to raise difficulties, in order to accomplish Party triumphs, were taken away. It was, fortunately, not necessary for him to enter at any length into a consideration of the urgency of the question. The want of legislation had long been admitted, and had been recognized by almost every Government that had come

into power during the last 20 years; and the numerous attempts which had been made to settle it, whilst they proved the inherent difficulties connected with the question, established equally incontrovertibly the necessity for legislation. The position of affairs which, six years ago, had been declared to be scandalously bad, continued to be as scandalous to the present day; and if any change at all had taken place, that change tended rather to increase and intensify the inequalities than to remove them. Fortunately, also, it was not necessary for him to argue that a settlement was demanded by all sections of the Catholic community in Ireland; and although he remembered the time when it used to be asserted that no grievance existed on this subject except a clerical grievance, that assertion would no longer be made. Two very remarkable documents had been lately laid on the Table of the House, one emanating from the Catholic community in Ireland, and bearing 1,100 names that no one could deny represented the wealth, respectability, and intelligence of Catholic Ireland; the other coming from the other side of the Atlantic, and attesting the results which had arisen there in the Dominions of Her Majesty from an honest and successful attempt to meet demands similar to those which now came, and for years had come, from Catholic Ireland. These two documents took away all necessity for entering on any elaborate arguments to prove that the demand for a change existed, or that an honest endeavour to meet it would be unsuccessful. He had said that if the state of things had at all altered since 1873, the alteration had been in the direction of increasing rather than diminishing the necessity of dealing with the subject. Last Session an Act had been passed which could not be left to stand alone. Last Session the Government introduced a measure, and successfully carried it, which would immensely increase the demand for University Education, and would intensify the injustice which arose out of the present state of things. He was happy to say that the Irish Intermediate Education Act had turned out a great success. Already the Board had received a large number of applications from candidates for examination, and of these a considerable number were students in

Major O'Gorman

the senior grade, who would be turned out on the world next summer ready for entering on a University career, and aided impartially by the State in bringing them up to this point. But under what conditions would they be then left? Some of them would be able to take advantage of existing University institutions; others, holding conscientious convictions which would prevent their adopting that course, would have to stand back, would have to terminate their educational career, and give up all the advantages which their more fortunate and more favoured rivals could enjoy. He asked in what state would these young men find themselves, or what would be their feelings? Hitherto their conscientious convictions had not interfered in any way with their progress or their success; and whether they attended a Protestant school, or a Catholic school, or a purely secular school, all the advantages of the Intermediate Education Act were thrown open to them, and the institutions which successfully instructed them were treated equally impartially by the State. In a couple of months the first fruits of the Intermediate Education Act would be reaped, the necessity for further facilities being given for the attainment of the advantages of University Education would be made more painfully evident, and the inequalities at present existing more clearly demonstrated. They had all hoped, before the commencement of the present Session, that the Government would deal with the question. Everything pointed in this direction. The success of the Bill of last year; the promises with which it had been introduced; the remarkable statements of the Lord Chancellor in "another place;" the admission which he there made that the Bill he was introducing represented merely the walls of the edifice, and that the roof, in the shape of a University Bill, would have to be put on hereafter—led all to believe that the edifice, so successfully built up to the roof, would not be left long uncovered, especially when it was to be inhabited immediately, and when, within the year, the want of the roof would be made manifest to many of those who had entered it. In addition to that, there were various other indications that the subject was one that was to be dealt with. Mysteriously suspicious articles began to

appear in some of the public journals. Journals known to be in the confidence of the Ministry began to develop a remarkable interest in the question. Admissions began to be made which went so far in recognizing the justice of previous demands as almost to startle such an old upholder of these demands as himself, and everyone became convinced that the Government had really determined to grapple with the question. In addition to this, rumours were circulated that negotiations—or, if that word were objected to, he would say informal communications—were opened between certain Representatives of the Government and others who represented certain Catholic views on the question; and although these rumours might not have been fully justified, or the articles in the journals might have been strained beyond their legitimate significance, yet he thought he would not be altogether wrong in saying that the belief that the Cabinet did intend to deal with the question was not altogether unfounded. However, shortly before the Session opened, the aspect of affairs completely changed. The journals seemed to receive new inspirations. What was believed just and expedient and possible a few months before became fraught with difficulties and dangers, and the existence of the injustice, or the necessity for removing it, became matters of apparently much less consequence. It was under these circumstances that the Session opened. The total absence of all reference to this important subject in the enumeration of the Government proposals induced his hon. Friend the Member for Tralee (the O'Donoghue) to press the Chancellor of the Exchequer on the point, and then it was authoritatively announced that the Government would not deal with it. Under these circumstances, what was to be done? The subject could not be allowed to drop without at least a protest, or an attempt at a settlement. Immediately the man who had most right to speak, whose authority in regard to it was most universally respected, and whose loss was so generally deplored in the House—he meant his hon., learned, and lamented Friend the late Member for Limerick (Mr. Butt)—gave Notice of two Motions—the one a Resolution, the other a Bill. Shortly after, he was struck down with that illness which since had proved so

fatal; and it became evident that even if the recovery which was then so much looked forward to took place, yet for a long time he would not be able to take his place in the House, or to follow up his Motions. After waiting a little to see whether his hon. and learned Friend was likely soon to rally, he (the O'Connor Don) was pressed to take the Motion up, as delay could no longer be permitted. At length, he consented to do so. In doing so, he was quite alive to the difficulties of the position—difficulties immensely aggravated by the unfortunate illness of his hon. and learned Friend. There was no man more capable of dealing with this subject than he was; no man who took a greater interest in it; no man who more thoroughly understood it in all its bearings. A distinguished University student—a man whose whole career, as a student, as a Professor, as a member of the Governing Body of a University, marked him out for peculiar fitness in devising University legislation; his withdrawal by illness was about as great a blow as the withdrawal of the Government itself; and he felt, and he was sure almost all other hon. Members felt, that if the difficulty of the situation was great before, it became doubly great when they were all deprived of the wise counsels and experienced advice of the great Irishman who had lately been taken from them. They were, however, fortunate in one respect. Before his hon. and learned Friend was struck down with that illness which, during the last few months, prevented his giving any attention to public affairs, he had committed to paper some views as to the way in which this question ought to be approached. To a certain extent, they had the benefit of his opinion; and he was sure he was not weakening his case for the Bill when he stated that those who drew it up had been materially aided by the suggestions of Mr. Butt, and that, to a very great extent, and so far as those opinions were known, his hon. and learned Friend's views and opinions were followed in the drafting of the Bill. The first question which those interested in the matter had to consider was, whether they would proceed by Resolution or by Bill. Many arguments might be adduced in favour of the former course; but, as he did not wish unnecessarily to occupy the attention of the House, he

would not touch on them. Eventually, they decided to proceed by a Bill, and they came to that determination mainly for two reasons—first, because they really meant business, because they really desired to have the question settled, and because they believed it could be settled. Secondly, because they did not want that it should be any longer said that their strength consisted in objecting, and that they did not know what they wanted, or how to form a scheme to carry out what they wanted. If they desired merely a discussion, if they wished merely to put on record a further protest, a Resolution would evidently be the best course to adopt. It was obvious, he thought, that if they had no chance of carrying a measure, placing their views in the definite shape of a Bill would be a very hazardous experiment; and, therefore, in adopting that course, they gave an earnest of the sincerity of their wish to settle the question, and an earnest of the sincerity of their belief that it could be settled this Session. In framing the Bill the same object was kept in view, and they had made its provisions as moderate and reasonable as they possibly could, seeking for nothing but what the absolute necessities of the case demanded. He wished to say, in the outset, that this Bill was not his Bill, in the sense of being his own personal proposal; it was not the Bill exclusively of the community to which he belonged; it was a measure arrived at by communications with Friends on both sides of the House, holding the most opposite political views. It was essentially a compromise, arrived at after mutual concession, and must not be taken in any sense as embodying the separate views of the Roman Catholics, or containing all that they believed they were justly entitled to. In speaking of his action in the matter, he had used the plural number, and he had done so advisedly; and when he mentioned, as he would shortly do, the names of the hon. Members who were joined with him in its introduction, he thought the House would be of opinion that he had rightly used the plural number, and that the Bill was deserving of every attention that could be given to it. In attempting to deal with the question in the shape of a Bill, naturally, the first point they had to consider was, whether they would at all touch

existing institutions, whether they would endeavour to open and enlarge their spheres, to re-cast their constitutions, and make them embrace other and newer bodies within their fold. He himself entertained a very strong feeling in favour of that course. Theoretically, the arguments in favour of it were irresistible. They had been urged, he need not say most eloquently, by the right hon. Gentleman the Member for Greenwich in 1873; and he was bound to say that, if practicable, the establishment of one great National University for Ireland was the solution that would most please him. But they had to look to what was practicable; and, certainly, in the hands of private Members, a Bill for destroying the University of Dublin and the Queen's University, re-casting their constitutions, and building out of them a new institution, would be, to say the least of it, impracticable. What the late Government and the right hon. Gentleman had failed to bring about they might be forgiven for declining to attempt. But if they could not deal with the two existing Universities, might they not deal with one or other of them? Might they not take the older and grander of these two institutions, and try to mould it so as to meet the requirements of the country? His hon. and learned Friend (Mr. Butt) had tried to do this, and he, too, had failed. He (the O'Connor Don) had the honour of being associated with him in that attempt, and he could not but admit its absolute failure. There then remained the other alternative, of taking the Queen's University and re-modelling it—abolishing it, in the first instance, and re-constituting it on another basis; and as this proposal had formed the subject of much discussion, he would be obliged to consider it at more length. He admitted that there were many arguments to recommend it, and if the subject were to be dealt with by a Government, he thought that probably that was the line of settlement they ought to look to. But, as private Members, they felt enormous difficulties in their way, if they attempted completely to upset and transform any existing institution, no matter how weak it might apparently be. The moment any existing institution was touched, that moment a whole host of little private interests came into play, and opposition was created which no private Member could

hope to cope with. Besides that, he wished hon. Gentlemen, who believed that the abolition of the Queen's University was the proper course to adopt, to remember some of the difficulties they would have to encounter. They could not, of course, propose to destroy the Queen's Colleges, and absolutely to disendow them; and if they continued endowed, as they now were, how could equality be established between them and unendowed Collegiate institutions? Or, even if this difficulty could be got over, there remained the important question of the government of the new University. What were they to do with the existing Senate, or Governing Body of the Queen's University? Were they to abolish it, and if they were, were they to abolish the principles on which it was constituted? They should remember that one of the principles of its constitution was election; that it had amongst its members gentlemen elected by the graduates of the University; and if they abolished the existing Body and its elected members, would they also abolish the principle of election? Could they take away from the graduates the rights which, under Royal Charter, they possessed; or was it desirable, even if they could do so, to destroy the principle of representation? On the other hand, if it were not destroyed, how could equality be established? For years and many generations of students the inequality would exist, not merely as to pecuniary matters, for that inequality might possibly be redressed; but as to representation on the Governing Body, and for many generations the students of the Queen's Colleges would have absolute control over the whole elective representation on the Governing Body of the University. The truth of the matter was, there were inherent difficulties in the way of amalgamating old and new institutions, and, small as had been the success of the Queen's Colleges, yet, with their 35 years' start, and their hundreds of fully-finished graduates, it would be a difficult task to place absolutely new institutions on terms of equality with them. The right hon. Gentleman the Member for Greenwich had, in 1877, most eloquently portrayed the disadvantage of establishing a new University. He had pictured to them the new University lagging behind its older and more

favoured rivals, lame and halting. He (the O'Connor Don) could not deny the truth and force of his picture; but would it not be merely a transformation of personages and a change of name, if they attempted to set up side by side in the same University new Colleges, unendowed and unsupported, devoid of prestige, wanting in all the advantages arising out of the influence of old students, and, having set them up, if they asked them to compete with, and to be on terms of equality with, their older and more favoured rivals? Would they not have the new Colleges lagging behind, lame and halting, and would not the injustice and the inequality, which was to be remedied, be only the more apparent by bringing into such close contact the institutions so differently treated? For these reasons, then, they had come to the conclusion that whatever Government might do, or whatever might be hereafter done, they had no course open to them but to propose the erection of a new University, and to leave all existing institutions as they were. In adopting that course, they were fortified—very strongly fortified—by the opinion of his hon. and learned Friend (Mr. Butt), who, before he was struck down by illness, had placed his views on this point on record, and had very clearly expressed his opinion that it would be a great mistake to attempt a settlement of the University Question on the lines of a reconstruction of the Queen's University. He (the O'Connor Don) would next proceed to consider what they proposed should be the constitution and functions of this new University. It was to consist of a Chancellor, Vice-Chancellor, and a certain number of senators. The total number fixed in the Bill was 24. The Chancellor, Vice-Chancellor, and other senators were to constitute the Senate of the University. They proposed that the first Senate should be named in a Schedule to the Bill. For obvious reasons, that Schedule would be presented to the House a blank. Of course, no gentleman could be asked to allow his name to be placed in it until the main provisions of the Bill had received the sanction of Parliament. Besides, neither he nor those who were associated with him desired to take on themselves the selection of the names; they wished to leave that in the hands of the Govern-

ment. If it were thought more expedient, they would not press to have the names given at all in the Schedule; but would leave the selection to be a subsequent act performed by the Lord Lieutenant of Ireland. He did not believe they could leave the selection in better hands than those of the present Lord Lieutenant, than whom no man took a deeper interest in the settlement of the question, and in whom every class in Ireland that would be affected by the Bill had the greatest confidence. But if the House desired, as they had done in regard to the Intermediate Education Act, to learn the names of the Senate before the Bill was passed, it seemed to him that it would be more in accordance with precedent to enter the names in the Schedule. They proposed, in the next place, to constitute a body to be called Convocation, and they created it on the same lines as Convocation was created in the London University. In filling up vacancies on the Senate caused by deaths or resignations, they proposed to follow the precedent of the Queen's University. They proposed that one-fourth of the Body should be elected by Convocation, and that until the full number of elected members—namely, six, was reached, every alternate vacancy should be filled by the Crown and by election. After the full number was reached, they then proposed that on the resignation or death of an elected member his place should be filled by election, and that all other vacancies should be filled by the Crown or the Lord Lieutenant. To the Senate thus formed they proposed to give very ample powers. In a general way, they proposed to intrust to them the carrying out of the intention of the Act—namely, the promotion of University Education in Ireland; but, following out the precedent of the Intermediate Education Act, they proposed to indicate the particular mode in which such education should be promoted—namely, by holding examinations for Matriculation and for Degrees; by granting Exhibitions, Scholarships, and Fellowships, and other rewards, to successful students; and by granting result fees and other advantages to the Colleges producing them. They proposed that the University should be divided into four Faculties—the Faculty of Arts, the Faculty of Medicine, the Faculty of Law, and the Faculty of

Engineering. The Arts course they fixed at four years, and, including the Matriculation examination, they proposed that there should be five examinations for all students who went through the complete course. At the end of the third year they proposed that the degree of B.A. should be attainable; and for such students as went in for the Master's Degree they proposed that another examination should be held at the end of the fourth year, when the degree of M.A. would be conferred on those proving worthy of receiving it. Following, then, the precedent of the Intermediate Education Act, they proposed that for every 10 students who passed the Matriculation examination, one Exhibition should be assigned of the value of £20, to be held for the three years' course, up to the taking of the degree of B.A., provided the student continued his University course for that time; at the end of the first year's course they proposed that for every 10 students who passed, one Exhibition of the value of £30 should be assigned, said Exhibition to last during the second and third years of the course; at the end of the second year's course, they proposed that Scholarships of the value of £50 a-year for three years should be granted in the proportion of one for every 10 students, to be retained on the condition that the scholar obtained his degree of B.A. at the end of the third session, and his degree of M.A. at the end of the fourth year. In addition to these Exhibitions and Scholarships, they proposed that a certain limited number of Fellowships should be established. They suggested 20, to be held for five years, and to be given away in the following manner:—Four of them to be competed for each year at the examination for the degree of B.A.; so that in the fifth year the full number of 20 would be complete; and as the term of the holders of the first four would then terminate, there would be four vacancies to be filled up in the following year, and subsequently, in this manner, the full number of 20 would be always kept up, provided there were competent students seeking them. To the holding of these Fellowships certain conditions were to be attached. To retain his Fellowship, the Fellow should take out his degree of M.A. in the following year, and he should be resident in or attendant at, or a Tutor or Pro-

fessor in an affiliated College for the remaining four years, or by the special authority of the Senate, he should spend the remaining four years in the pursuit or promotion of science or literature, in any manner the Senate might determine. They proposed also that there should be Exhibitions in the other three Faculties. An Exhibition of £20 for every 10 students who passed in the Faculty of Law, to be held for the three years of the Law course; a similar Exhibition in the Faculty of Medicine, to be held for four years; and a similar one, in Engineering, to be held for three years; the attainment of these Exhibitions, and their retention, to be dependent on the students passing all the necessary examinations in a satisfactory manner, and with sufficient merit. These were the chief proposals they had to make with regard to rewards to the students themselves. He now approached a much more difficult branch of the subject—namely, the assistance in the way of pecuniary grants to the institutions which produced the students. They did not propose that the new University should itself be in any sense a teaching University. At the same time, they thought that it should be something more than a mere Examining Board, that its functions should be more extended, and that, although not undertaking teaching itself, it should strive to promote and directly assist higher education and teaching in other and independent institutions. The real want they had most to meet was the want of good Professors in the unendowed Colleges. No solution of the University Question could be satisfactory which did not supply this want; and if they were not prepared directly to recognize or to endow distinct Colleges, which would be carried on in accordance with the religious convictions of a vast number of people, yet they must in some shape or form supply the want, and enable these independent institutions to secure the teaching power so absolutely necessary. Under the Intermediate Education Act, one means of meeting this difficulty existed. By the payment of results fees to the heads of those institutions, a means was afforded to them for providing in some way for the want; but it would be a mistake to apply this system just as it stood in the Intermediate Act to University Educa-

tion. There was one essential difference between University Education and the intermediate and primary school education. For the former, they required Professors of the very highest class—men who could not be got without paying them very well, and who, when got, should not have their time thrown away on a mere handful of students. Were they, then, to adopt the system of paying result fees to every institution in the country which sent up University students, they would probably be doing more harm than good. They would be dividing and scattering over the country the literary strength, which, to accomplish any real good, should be united, and they would be rendering the establishment of University training, or of any College which could in the true sense pretend to be a University College, impossible. The consequence would be that they would have a few scattered students from almost all the large intermediate schools; but the results fees received by any particular institution would be far too small to do any real good towards University teaching or towards securing the services of competent Professors; and whilst they would do little or no good to the institutions receiving them, they would prevent the establishment of real Colleges, in which a sufficiently large number of students would be collected to render it possible to secure the services of the best Professors, and thus injury, instead of benefit, might be the result of the experiment. For these reasons, they had come to the conclusion that the pecuniary advantages to be conferred on institutions or Colleges should be confined to a few, and that the result fees and other advantages to which he would presently allude should be restricted to a limited number of Colleges, to be selected or affiliated by the Senate. For the purpose of affiliation, they proposed to define a College in such terms as would exclude—First, all the Colleges of existing Universities; second, all institutions in receipt of result fees under the Intermediate Education Act; and, third, all institutions which had a smaller number than 20 students over the age of 18 years pursuing the course of study prescribed by the Senate for examinations under the Act. Any College complying with the latter condition, and not being an intermediate school or College in

connection with an existing University, would be eligible for affiliation by the Senate. No doubt, some objections might be raised to the proposed exclusion of the intermediate schools, and it might be said that whenever pupils distinguished themselves those who taught them ought to be rewarded; but, after much consideration, they had come to the conclusion that there would be no hardship in requiring the heads of any educational institution to determine whether they would class that institution as a school or a College; and if they selected the former and reaped the advantages derivable from it, they had no right to come under a University Bill and claim the rights of Colleges there. They proposed not to interfere in any way with the students. These might come from any school or College, or no school or College; they would be equally treated, and no difference would be made in their regard. With regard to results fees, they did not propose that any should be paid on the Matriculation examination. Until the student had passed that examination, the University training or teaching had not commenced; and, consequently, the institution whence he came was entitled to no payment. After the first session of the University course, they proposed that payments should be made on the following scale:—In the first year, for a simple pass £20, for a pass with honours £30. In second year, for a simple pass £25, and a pass with honours £35. On taking the degree of B.A., for a simple pass £30, and a pass with honours £40; and on taking the degree of M.A., for a simple pass £35, and a pass with honours £45. Besides this, they proposed that when students from any College had taken either Exhibitions, Scholarships, or Fellowships, the College should receive in each such case double the amount of results fees. They also proposed similar results fees in the professional Faculties of Law, Medicine, and Engineering. At first sight, perhaps these results fees might appear large; but when it was recollected that, according to the statement of the right hon. Gentleman the Member for Greenwich, every student educated in the Queen's College, Galway, cost the State £77 a-year, and every one carried on to a degree in Arts cost £231, whilst every graduate in Law cost £308, he thought the amount would appear in-

significant. At all events, he need scarcely say that the actual amounts were matters of detail. He was not absolutely bound to them; but he hoped that if Parliament were disposed to approve of the principle, it would not attempt to carry it out in a niggardly spirit. He now came to another important proposal in the Bill. Remembering that the real want they had to supply was a good and efficient teaching staff, and that it would be desirable to secure the services of the best possible Professors in secular subjects, they proposed to meet the want in another way besides the results fees. After all, the results fees pre-supposed the existence of the Professors, an assumption on which they could not safely proceed, for it was not founded on fact. University Education in Ireland could not really be promoted, unless this assumption was turned into a fact, and he thought it might be done without any departure from the principles on which alone they sought public aid. He believed there would be no departure from these principles in giving power to the Senate to pay salaries, not exceeding a certain limited amount, to a limited number of Lecturers or Professors in secular subjects, who should be bound to lecture or profess in some one of the affiliated Colleges, and who might be presented to the Senate from such College, provided that there should be only one such University Professor on any given subject of the University course in any one College, and provided also that such Professor should have at least 15 students attending his lectures. This, he was bound to say, they considered was a point of the greatest importance. It was almost essential in the commencement, in order to give new institutions a start; and as they did not object to any provision being inserted to secure that the money so given should be spent on purely secular teaching, and, if necessary, that the lectures should be open to students of all religious denominations, he trusted that this proposal might find favour with the House. These were the main provisions so far as grants in aid of University Education went. There were one or two minor provisions for permitting the Senate to give assistance towards the erection of laboratories, museums, and libraries in affiliated Colleges; but he did not think it was necessary to dwell on them in detail. The

next point they had to consider was, what would be the probable amount required for carrying out this scheme, and whence it was to come? As to its amount, he believed that, at least in the commencement, it would not be nearly as much as might at first be imagined. They believed, from calculations that had been made, that £30,000 would amply cover all expenses; but they proposed in this respect, also, to follow the precedent of the Intermediate Education Act, and to leave the amount to be estimated by the Senate, limiting it so that it should not exceed a certain sum. In fixing this limit, he felt sure the House would not desire to proceed in a niggardly spirit; and when they remembered that close on £50,000 a-year, in one shape or other, was spent on the Queen's University and Colleges, he did not think it would be unreasonable to ask that a capital sum of £1,500,000 should be set aside for the purposes, if necessary, of the new University; and he need scarcely add that that capital sum they proposed to take from the same fund which had already been marked out and selected by the Government for an almost exactly similar purpose last year. They proposed, in fact, in this Bill, exactly similar finance clauses to those in the Bill of last year, merely substituting the Senate for the Board, and increasing the limit from £1,000,000 to £1,500,000. He had now gone over all the main provisions of the Bill, and he would endeavour to close his remarks as speedily as possible. He had said in the commencement that the Bill was not his Bill. He had spoken throughout in the plural number; and when he told the House that there were associated with him in the introduction of the measure the hon. Gentleman the Member for Carlow County (Mr. Kavanagh), his hon. Friend the Member for Galway (Mr. Mitchell Henry), the noble Lord the Member for Waterford County (Lord Charles Beresford), the hon. Member for the County of Cork (Mr. Shaw), and the hon. Member for the County of Meath (Mr. Parnell), he thought he had said enough to prove that the Bill possessed no Party tendencies, and that it was one which was likely to receive the support of nearly all the Irish Representatives, and certainly one deserving of the greatest attention which the House and the Government could give to it. They offered

the Bill not as a final one, or as of a large and comprehensive character. They believed it would be a step in the right direction, which, if passed, might render it more possible hereafter to deal with the question on the large scale suggested in 1873 by the late Government. He would himself desire to see an amalgamation of Universities, and the establishment of one great National University for Ireland; but, strange as it might seem, he believed that result might be facilitated rather than impeded by the establishment of a new University now. It would be very difficult, he thought, to unite together Bodies starting on terms of inequality, and to place together, under the same University, endowed and unendowed Colleges—old and new institutions—Colleges with a large number of ready-made graduates, and Colleges without such. The inequality apparent in the commencement must for generations exist, and the injustice apparent in such inequality must always offer one of the greatest obstacles to such a settlement. They presented the Bill also as a reality, as something they desired not merely to discuss, but to carry. Of course, he knew that private Members could not carry it without the assistance of the Government; but he trusted that if the House and the Government approved of the principle, they would render every facility to its becoming law. Irrespective of the urgency of removing the gross wrong inflicted on so many young men, it was desirable that the subject should be settled in some way, and not bandied back and forward between rival Parties. If this opportunity were lost, and this offer rejected, he would look with anything but pleasure to the future. Matters could not be allowed to stand as they were, and if there were not levelling up in some shape or form, an agitation for levelling down would, he feared, be commenced, the end of which it would be hard to see. In such a struggle the interests of education would be the first to suffer, and he most sincerely trusted that Her Majesty's Government would, by a wise forethought, prevent such arising; and now, when a Bill was presented, arrived at by mutual concession, and devoid of all Party character, he hoped it would not be rejected, and the opportunity be allowed to pass away fruitlessly, either through indifference

or English prejudice. Thanking the House for the attention they had given to him, he begged to move for leave to introduce the Bill.

MR. KAVANAGH said, that he had no wish to enter into a discussion upon the Bill which his hon. Friend had asked leave to bring in. He had already given the House a sketch of the proposals embodied in the Bill. The question raised by that measure was one of the greatest importance; but he did not wish then to pursue the subject further than to state the reasons which had induced him to join with his hon. Friend in undertaking the Bill. For a long time it had been felt that this question should be dealt with, and dealt with in a manner which, although it might not be the most pleasing and acceptable to the heads of the different religious denominations in Ireland, yet would enable them to avail themselves of such advantages as the provisions of the Bill gave them, without sacrificing their conscientious scruples and religious convictions. He had hailed with pleasure the introduction into, and the passing through, the House last Session of the Intermediate Education Act, not so much on account of the benefits which he believed that Act would confer, as with the hope that it would prove the prelude to legislation on the part of the Government on the much greater question which had been brought under their notice that night. But the Speech from the Throne delivered at the opening of the Session, and the statements which had been made since then by Ministers, showed that that was not to be the case. It was only then that, at the suggestion of the hon. Member for Roscommon, he had consented to join with him and others in endeavouring to bring before the House, in the shape of a Bill, a proposal of a practical and reasonable character, which they hoped would obtain the support of all moderate sections of opinion, and by so doing might, perhaps, ultimately lead to a settlement of an important question that had been so long open. He frankly admitted that their chances of success might not appear to be very brilliant, and that they had not undertaken an encouraging task. Perhaps their attempt might even be designated as a foolhardy one, and they themselves might even be described as those who "rushed in where angels

feared to tread." But, however that might be, he could only say for himself that he considered the proposals brought forward for discussion were moderate and reasonable; and if their endeavours even tended directly or indirectly to facilitate the ultimate settlement of the question, he should feel sufficiently rewarded. It could not be denied that, at the present period of the Session, and looking at the state in which the Order Book was, that it would be impossible for private Members, without some assistance from Her Majesty's Government, to find the requisite opportunities for the proper discussion of this Bill. Unless they got some help to bring forward the discussion of the measure, it was utterly impossible to hope that private Members could get it through in the time at their disposal; but he did hope that if Her Majesty's Government were not opposed in principle to the measure, they would give such assistance as would enable them to have a debate upon the second reading, and then to take the opinion of the House upon the merits of this proposal. He begged to second the Motion of the hon. Member for Roscommon.

MR. W. E. FORSTER said, that he only rose for the purpose of supporting the appeal of the hon. Member for Carlow that the Government would give such facilities as were consistent with the pressure of Public Business to enable the House thoroughly and carefully to consider the Bill which had now been brought before it. Although the subject was a complicated and difficult one beyond measure, there could be only one opinion as to the clearness and the ability with which his hon. Friend the Member for Roscommon had explained the measure; there could be but one opinion that it was an advantage to them that they should have an Irish statement of what Irishmen—who were the most interested—considered to be the proper manner for meeting this most difficult question. It was a question that had tried the strength of Governments, and had tried the strength of Parties, almost beyond their powers of endurance; and he thought that it was a very great advantage that they should have the subject brought before them by those men who were most deeply interested in it. He would not, on that occasion, give any definite opinion

concerning the Bill, except to say that it was evidently framed with a wish to be a moderate measure, and with a care for the feelings of Englishmen as well as for those of Irishmen. He did not think it would be possible to give an actual opinion on the measure until it was before them; and he merely rose for the purpose of joining in the appeal to the Government to fix a day for the consideration of the measure.

LORD CHARLES BERESFORD said, that having studied the draft of the Bill most carefully, he really thought that the judgment of the House of Commons would be favourable to it. The question of University Education in Ireland touched so very many interests and raised so many important questions in detail, that it would be impossible for any private Member to expect to get a Bill on the subject through this Session; but he hoped that the earnest endeavour of the hon. Member for Roscommon to bring in his Bill would receive the sanction of the House. This was a question which required settlement, and it had more danger connected with it than any other Irish matter. The Bill which the hon. Member wished to introduce was made out on the exact lines of the Intermediate Education Act which was received last Session by the House with almost unanimous approbation. If that Bill were right, surely a Bill for higher education made out on the same lines would be right. It must be the earnest wish of all hon. Members of that House to settle a question of this class, which provoked such bitter feelings even by its very mention on the other side of the Channel; it must, therefore, be the earnest wish of everyone to see it put at rest for ever. Nobody could deny that the subject was one which required legislation almost before any other subject before the country at the present moment. In fairness and justice to a very large proportion of the people of Ireland—he meant the Roman Catholics—these claims should be fairly considered. They wished for a University giving them equal advantages with people of other denominations. The question had often been thought out, but never fairly argued on the floor of that House. He himself would go even further than this Bill proposed to do, for he would support a Bill brought in for a Roman Catholic University. It

was true this University might become Roman Catholic one day; but he would support any Member who brought in a Bill for the purpose of founding one now, for he believed that a Roman Catholic University would come sooner or later, the same as the Roman Catholic vote came in years gone by. But, although he would support any Member who brought in such a Bill, yet he did not think that such a Bill would be of any use, for it would lead to such strong opposition that it would have no chances of passing. As he was, however, anxious for something to be done, and he thought that the Bill which the hon. Member proposed to introduce would not meet with such opposition as the Bill for a Roman Catholic University, he would support it. He did hope that the Government would see their way to support this Bill. He thought that what the hon. Member had said had been most reasonable and moderate; and he did trust that the House of Commons would see its way to give its judgment in favour of the Bill.

MR. COURTNEY observed, that the noble Lord had struck the note which must be heard again and again in this controversy, however much they might try to avoid it, when he spoke of the wish to have a Roman Catholic University. The question that arose in his mind, having listened to the very clear exposition of the Bill which his hon. Friend the Member for Roscommon had given them, was how did this proposed scheme meet the demand which they had heard so often? He did not see how, in the shape described by the hon. Member, it would be satisfactory, nor how it would meet the demands which they had heard made, or how the present scheme differed from the existing system of University Education in Ireland so as to remove the objection now entertained to the present system. The first part of the Bill proposed to establish a Senate, which would be an Examining Body, and have power to give certain prizes to students when satisfied that their education was completed, and they had finished their three years' course. That part of the scheme, at least, did not differ in any particular from the constitution of the Queen's University. His hon. Friend expressly said that the Senate—upon the position of which the whole character of the Bill

depended—would be appointed in the same way as the present Senate of the Queen's University was appointed. So far, then, as the power to hold examinations and to give away prizes were concerned, the result would be precisely the same as the present system of the Queen's University, with this addition—that the students might enter for examination who had not gone through their course of education at the Queen's Colleges. In that respect, the scheme would be what the Queen's University was proposed to be made, as amended by the Supplemental Charter of 1866. So far, the proposal of the Bill would correspond with the amended scheme; but that scheme did not give satisfaction at the time to the people of Ireland, any more than it gave satisfaction to the Queen's University. He did not see how his hon. Friend would thus satisfy the demand which it was the sole object of this Bill to meet. There was, it was true, a different part of the scheme, which he proposed to call "affiliation" of the Colleges to this University. Upon that point, he confessed that he had great difficulty in understanding the explanation given. No existing College, according to what had been said, could be affiliated; and none of the existing institutions which received, or might receive, any grant under the Intermediate Education Act, could be admitted to be affiliated. He would ask, therefore, if there were any institution in Ireland at the present moment which could be affiliated? There might, perhaps, be one institution—namely, that upon St. Stephen's Green—which could possibly be affiliated; but he did not know of any other. Certainly more than 20 students were pursuing their course of education there; and if the rules were complied with, they might be able to go to the proposed University for examination. Not only would the prizes be given to those students, but salaries would be paid to the Professors in those affiliated Colleges. It was proposed that the lecturers should be paid for lecturing on secular subjects, and he understood it was provided that lectures so paid for should be open to students of all creeds. There was, in fact, to be a Conscience Clause, so that all students might come in and attend these lectures. Was it also intended that these students

should be allowed to be members of the affiliated Colleges, or were they to come in as outside students attending the particular lectures? If they were to be allowed to be members of the affiliated Colleges, he saw no distinction whatever between the proposal of the present constitution and the Queen's Colleges. But if they were to come in as outside students attending the lectures, there would still be, as far as he could see, little distinction. If there was no distinction, how would this scheme satisfy those aspirations which it was the professed object of the Bill to realize? The hon. Member might be able to explain the difficulties which occurred to him on a future occasion; but, at present, it seemed to him that certain elements in the problem had been passed over; and he did not see how the scheme would satisfy those demands to control not only the education, but the moral life, of the student, which were insisted upon by the Roman Catholic Hierarchy of Ireland.

Mr. FAWCETT observed, that there was a difficulty in discussing a Bill which they had not seen. In making that remark, he was not referring to the observations of the hon. Member for Liskeard (Mr. Courtney), and he must not be understood to express any opinion upon that Bill. In the observations which he should make, he would only ask the hon. Member for Roscommon to explain certain points which were not quite clear to him in what they must admit was otherwise a very clear and able statement. It would be paying the hon. Member for Roscommon a poor compliment to judge of his Bill before seeing it; and they ought to be particularly careful on this subject, remembering what took place when the late Government, in 1873, introduced their memorable Bill, and the somewhat foolish position in which some very distinguished Members of that House placed themselves. They listened to the extremely able speech of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), and became quite enthusiastic; but some of those who began by blessing ended by doing exactly the reverse. He should not have uttered a single word on that occasion, had it not been for a remark of the noble Lord the Member for County Waterford (Lord Charles Beresford), who spoke with

some responsibility, as his name was upon the back of the Bill. In reference to his remarks, he wished to express a word of caution. The noble Lord said that that Bill was drawn upon the lines of the Intermediate Education Act; and, as that Act was passed by a large majority of that House, he seemed to think that the House was obliged to support beforehand a Bill on University Education drawn upon the same lines. With reference to that remark, he would make two observations. In the first place, no doubt, the Intermediate Education Act of last Session was supported by a large majority; but there was a small minority who had very strong objections to certain parts of that Bill. But that was not the point. An Irish University Bill might be drawn on the same lines as an Irish Intermediate Education Bill; but that was not the slightest reason why those who supported an Intermediate Education Bill should necessarily support an Irish University Education Bill drawn on the same lines. An Irish Intermediate Education Bill dealt with a field unoccupied—there was no system of Intermediate Education in Ireland until last Session; but with regard to Irish University Education, the thing was entirely different. The one ground was not occupied; but in the case of the other edifice they wished to erect, they would have to consider how it would influence the University institutions which were already in existence. He should not express any opinion as to what might be the effect of that measure, considered from the point of view that there were at the present moment two distinct Universities in Ireland; he would only point out to the House—and he thought the House would agree with him in this obvious remark—that it did not necessarily follow that those who were in favour of the Irish Intermediate Education Act would necessarily be in favour of an Irish University Education Bill framed, as had been stated, on the same lines. Further than that, he would express no opinion, favourable or otherwise, with regard to the Bill; but he was sure that his hon. Friend the Member for Roscommon would only consider that he was expressing the general opinion of the House when he complimented him upon the extremely candid way in which he put his proposals forward. After the

candour with which he had approached the subject, they would all feel it due to him, when the Bill was printed, to endeavour to approach the matter in the same spirit of candour; and he was only expressing the opinion of many English Liberals besides himself when he said that they had but one object in view, although they might differ somewhat as to the means of carrying it into effect—namely, the promotion of University Education in Ireland.

MR. MITCHELL HENRY thought the hon. Member for Roscommon would not ask anything better from the House or the country than that his Bill should be considered simply on its merits. He only rose for the purpose of deprecating any discussion upon the matter until the Bill was before the House. The hon. Member for Hackney (Mr. Fawcett) was certainly mistaken in his statement that there was no scheme of Intermediate Education in Ireland until the Government measure of last year. He would inform him that there were plenty of intermediate schools in Ireland, but, unfortunately, they were not devoted to the education of the people of the country, but only of one section of it; and the measure adopted by the House of Commons, and introduced by the Government, was designed to fill up the hiatus which existed in that education—and which also existed at that moment in University Education in Ireland—and which arose from the fact that they could not force persons who had conscientious scruples to receive their education in schools or Colleges in which the scheme of education and the whole government of the institution was opposed to their religious convictions. The scheme that had been brought forward by his hon. Friend the Member for Roscommon was designed, as he had observed, to fill this hiatus existing in University Education. No one denied that there was ample means for secular education in Ireland, and plenty of University Colleges; but the people did not fill them. Under that state of circumstances, the Bill now introduced shortly was this—That people who desired to have a University degree could get their education in their own Colleges; and if they brought to an examination an adequate stock of learning, they could obtain that degree—that was the real basis of the Bill of his

hon. Friend. It was the system of payment by results. The people were to be allowed to receive their education where they liked; but when they came to the test of an examination, then they were to come up to the standard before they could receive their degree. That was the whole basis of the Bill. It had been most carefully designed to avoid trenching on the religious prejudices and religious feelings of hon. Members on either side of the House; and he thought, when the Bill was considered, it would be found to be one based upon moderation and prompted by a desire for peace, and intended to insure to the people of Ireland, who so long had had reason to complain of being denied the privileges of education, which were so freely extended to the subjects of Her Majesty in other parts of the Kingdom, all the necessary means of obtaining degrees without doing a violence to their religious feelings.

THE CHANCELLOR OF THE EXCHEQUER: Everyone must acknowledge both the importance of the question which has been brought to our notice, and also the clearness and moderation with which the hon. Member for Roscommon has explained the provisions of the Bill he desires to introduce. Everybody must feel that the House is indebted to him for the pains he has taken and the endeavour he is making to contribute to the solution of a very difficult and important problem. There is also, I think, a general feeling in this House, in which I agree, that it would be impossible for us to express any opinion upon a measure of that kind until we have had an opportunity of seeing the Bill in print, and of giving some consideration to it. As has been well observed by the hon. Member for Hackney (Mr. Fawcett), it is impossible to judge an important scheme of this kind at first sight, and it will be well that some time should be given in order that the scheme should be considered in all its bearings. I hope that the hon. Gentleman will introduce his Bill to-night; and I have no doubt the House will gladly accord him the right to do so, in order that we may shortly have it before us in a shape which will enable us to give it full consideration. It will probably be some little time before the House will have any opportunity of expressing its opinion. The hon. Member will be able, by con-

Mr. Fawcett

idering the arrangements of the Order book, and after communication with his friends who may desire to help him, to find a day when he can bring his measure before the House, which, I have no doubt, will give it a careful and attentive consideration, and make a most candid examination of all his proposals. I think that I should be doing wrong on the present occasion, if I were to do more than express my obligation to the hon. Member for the pains he has taken in preparing his measure, and to assure him that his proposals will be received and considered by Her Majesty's Government with all the attention and care which they so well deserve.

MR. MELDON wished to say one or two words with reference to this subject, without entering upon the discussion of the merits of the Bill. The peculiar combination of names of hon. Members introducing the Bill would show the House that they had gone a long distance in the way of effecting a compromise. But he must state that, so far as he was aware, the Bill had not yet been considered either by the ecclesiastics or by the laity of Ireland; and it was impossible upon that occasion to give any pledge that the Bill would be accepted either by the clergy or by the laity of Ireland. He said that the more emphatically, inasmuch as he had not heard the right hon. Gentleman the Chancellor of the Exchequer give any intimation whatever that the Government were prepared to meet them in the long way in which they had travelled towards a compromise. He wished it to be considered, therefore, that the clergy and laity of Ireland, so far as he knew, had not been consulted with reference to the Bill. Having said so much, he might state that, in his opinion, in the interests of University Education, and judging only from what he had heard from his hon. Friend with reference to the Bill, that it seemed to be one which would give satisfaction. He said this, not only in consequence of what had fallen from his hon. Friend, but because he knew the Bill to be introduced was one that met with the approval of the late Mr. Butt, who had many opportunities of consulting, not only with the laity, but with the ecclesiastics of Ireland. The lines upon which the Bill was founded were perfectly neutral; and he should be surprised if the Bill did not receive,

as it was intended to do, a favourable reception. He must not, however, be understood to say that the matter had been considered, or that they, in any way, pledged themselves to accept the compromise which was offered.

THE O'CONOR DON said, that he would make one observation with regard to what had fallen from the hon. Member for Liskeard (Mr. Courtney), as he had no desire that the explanation he had given of the Bill should be in any way misunderstood. It was proposed by the Bill, with regard to affiliated Colleges, that power should be given to the Senate to pay the salaries of certain Professors professing purely secular subjects in the affiliated Colleges. That was the full provision of the Bill; but he stated that if that was not thought sufficiently secure, having regard to the sentiments of the people of England, he would not object to the insertion of a provision that the lectures so paid for should be open to all, irrespective of their religious beliefs. That was the statement made by him; and when his hon. Friend said that, if this were so, the Lecturers in affiliated Colleges would be in no different position from those in the Queen's Colleges, he ventured altogether to differ from him; and he thought that those who most understood what at present existed in Ireland would differ from him essentially. He could not tell how it was that the hon. Gentleman saw no difference. The hon. Gentleman referred to the College upon St. Stephen's Green as being one of those which might be affiliated with the proposed University. Well, he asked, was there no difference between that College and one of the Queen's Colleges? The lectures given by Professors in St. Stephen's Green at the present moment were open to any student who chose to attend, irrespective of the religious belief of such student; yet, surely, no one would say that this did away with all difference between that institution and a Queen's College. He thought he had said sufficient for the present in answer to the point made by the hon. Member for Liskeard. With reference to what had fallen from the right hon. Gentleman the Chancellor of the Exchequer, it must be remembered that a private Member had no opportunity of bringing his Bill on as an Order of the Day except upon Wednesday. But all the Wednes-

days up to the end of the Session were occupied; and even if he could secure a Wednesday, the right hon. Gentleman might consider it unreasonable to take the Bill on an early day. Supposing he said next Wednesday, would the right hon. Gentleman consent to it?

[The CHANCELLOR of the EXCHEQUER: Yes.] If they were not able to secure Wednesday for the second reading of the Bill, and were not able to bring it on, say, within the next three or four Wednesdays, would the right hon. Gentleman hold out any hope of the Government giving up a day for its consideration? For if they were unable to secure any Wednesday within that time, there would be no chance of their getting the Bill through a second reading without the assistance of the Government. His hon. and gallant Friend the Member for Galway (Major Nolan), who had the first Order for next Wednesday, offered to place that at his disposal. If the Government would consent to the Bill being taken next Wednesday, he would bring it on on that day, and he hoped that it would be in the hands of hon. Members on Saturday morning.

MAJOR NOLAN remarked, that he was willing to allow his hon. Friend to take Wednesday for his Bill, on condition that the Government would come to the necessary agreement upon the subject. He would only give up next Wednesday, on condition that the Bill which was next in order would also make way for his.

THE CHANCELLOR of the EXCHEQUER said, that the Government were in no way masters of the proceedings on Wednesdays, and it was not in their power to say whether or not the Bill would be taken that day. He did not, however, see any objection to the course which was suggested—namely, that the Bill should be put down for Wednesday, May 21st, with a view to getting it discussed then.

MR. COURTNEY thought that to take the Bill next Wednesday would be very rapid work. They were told that the Bill was unknown to the clergy and laity of Ireland, and yet they were asked to discuss it on that day, by which time it could not possibly have been considered by those most interested in it.

SIR JOSEPH M'KENNA said, that the whole proposition with regard to this Bill struck him favourably, although

he had, of course, not yet considered the details of the measure. He had listened with very great attention to the statement of his hon. Friend in moving the introduction of the Bill, and he might say that he considered it would commend itself to the people of Ireland. He did not think the objection of the hon. Member for Liskeard was an important one, and he was in favour of the Bill being taken next Wednesday.

MR. ERRINGTON stated that he was willing to give up his Bill, which was second in the Order Book, in favour of the hon. Member for Roscommon. That seemed to be the only day on which he would have any chance of bringing it on.

MR. PLUNKET was bound to agree with the hon. Member for Liskeard in thinking that it would be impossible to consider the Bill in all its bearings by Wednesday, particularly remembering the great number of persons interested in the subject. The hon. and learned Member for Kildare (Mr. Meldon) had stated that the Roman Catholic clergy and laity of Ireland had not yet had an opportunity of considering it. He would point out, therefore, to the hon. Member for Roscommon that if he insisted upon bringing on his Bill upon that day, no final Resolution could be arrived at with regard to it. It was necessary to consider the Bill very fully; and he would suggest to the hon. Member that he would make the Bill much more acceptable in the long run, and much more likely to conduce to the higher education of Ireland, if he did not fix the second reading at such an early day as Wednesday next.

SIR WILLIAM HARCOURT observed, that the hon. Member for Roscommon had said that he would be precluded from bringing his Bill on, except on Wednesday next, unless the Government gave him a day. As he understood his hon. Friend, he would have postponed bringing the Bill in on Wednesday if the Government would have given him a day at a later period. No doubt, Wednesday was an earlier day for the consideration of the question; but it must be taken then, unless the Government would give a day later on.

MR. SULLIVAN thought that it was undesirable that the Bill should be taken next Wednesday. It was an attempt at a compromise, and anything like a com-

promise upon a question such as this ought not to be hurried through the House. The people of Ireland might not agree with the measure, and it would be far better to give them an opportunity of studying it closely at first. He would also point out to the hon. Member for Roscommon that there was no chance of his carrying his measure through that Session unless the Government really and earnestly gave it facilities. If they wished to do so, they could easily find him a day; and there was no reason why the second reading of the Bill should not be taken before Whitsuntide. The Bill would be distributed on Saturday, and would be in the hands of Irish Members on Monday next; but they could not communicate with their constituents and receive their replies before Tuesday or Wednesday. There was no reason for pressing on the Bill if the Government would give a day for its consideration; and he must remind the hon. Member that the Government alone could secure the passage of the Bill that Session, and without their aid it would be hopeless for a private Member to try to carry it.

MR. O'DONNELL said, that the Bill would not be in Ireland before Monday; but, still, there was a very sound and general idea of the provisions of the measure spread throughout Ireland; and he was very much surprised that hon. Members usually so conversant with matters as the hon. and learned Members for Louth (Mr. Sullivan) and Kildare (Mr. Meldon) should be so behind-hand in their knowledge upon the present occasion. With regard to the observations of the hon. Member for Liskeard (Mr. Courtney), he could assure him that the Queen's University had a very sharp and watchful staff in Dublin who would deal with the merits of the Bill; and he might feel certain that it would be canvassed by men quite capable of finding out its defects. He hoped that the hon. Member for Roscommon would push his Bill on as rapidly as possible; and he trusted that the Government would endeavour to facilitate his doing so. As sacrifices were being demanded all round, he had no hesitation, for his own part, in saying that if the Government would enable this question to be discussed, hon. Members would, in return, consent to put aside for a time some very important and engrossing

questions which they had engaged to bring forward.

Motion agreed to.

Bill to make better provision for University Education in Ireland, *ordered* to be brought in by The O'CONOR DON, Mr. KAVANAGH, Mr. SHAW, Mr. MITCHELL HENRY, Lord CHARLES BERESFORD, and Mr. PARNELL.

Bill presented, and read the first time. [Bill 183.]

ORDERS OF THE DAY.

MEDICAL ACT (1858) AMENDMENT
(No. 3) BILL [*Lords*].—[Bill 121.]

Order for Second Reading read.

Motion made, and Question proposed,
"That the Bill be read a second time
To-morrow, at Two of the clock."

MR. E. JENKINS protested against the Bill being set down at that time. The hon. Member for Swansea (Mr. Dillwyn) had likewise intended to oppose its being set down for such a time; but he was not then present. He should take the sense of the House upon the question of so interfering with the convenience of hon. Members as to set this Bill down for a Morning Sitting.

Question put.

The House *divided*:—Ayes 39; Noes 16: Majority 23.—(Div. List, No. 96.)

HARES (IRELAND) BILL.—[Bill 165.]
(*Mr. Richard Power, Colonel King-Harman, Mr. Shaw, Mr. Herbert, Mr. French.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
"That the Bill be now read a second time."—(*Mr. Richard Power.*)

SIR WILFRID LAWSON said, he should like to know what this Bill was about.

MR. RICHARD POWER said, that the Bill was simply to give a close time for hares in the same way that there was a close time for partridges, snipe, and other animals. It was a very short Bill, and he was really surprised that the hon. Baronet the Member for Carlisle should offer any objection to it. It was not a Bill directed against poor people, but it was a Bill for the people, and it was asked for by the tenant farmers of Ireland. The Bill would benefit every-

one—it would benefit the landlord, the tenant, and the hares immensely. The spring was the time when these animals were so wantonly destroyed, and during which it was proposed to protect them. Looking at the names on the back of the Bill, he was the more surprised that there should be any objection to it—some were Liberals, some Conservatives, and one was a Home Ruler; and the owner of the first name on the Bill entertained political opinions which no one entertained except himself.

Motion agreed to.

Bill read a second time, and committed for *To-morrow*.

TRUSTEES RELIEF BILL.—[BILL 145.]

(*Mr. Wheelhouse, Sir George Bowyer, Sir Eardley Wilmot, Mr. Isaac.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be read a second time *To-morrow*, at Two of the clock."—(*Mr. Wheelhouse.*)

Mr. COURTNEY objected to the Bill being taken at 2 o'clock in the morning, and this was not the first occasion on which he had had to raise a similar objection. The consequence of Bills being set down for a Morning Sitting at 2 o'clock was to compel a number of hon. Members to wait about for the possibility of the matter in which they were interested being taken. He had no objection to the Army Regulation and Discipline Bill being taken at the Morning Sitting; but he did not see that there was any reason to encroach further upon the time of private Members.

Mr. WHEELHOUSE observed, that there was no reason why this Bill should not be taken as was proposed. It was a Bill to relieve trustees—

Mr. SPEAKER reminded the hon. and learned Member that the Question before the House was, whether the second reading of the Bill should be fixed for that day at 2 o'clock.

Second Reading *deferred till To-morrow*.

WAYS AND MEANS.

Considered in Committee.

(*In the Committee.*)

Resolved, That, towards making good the Supply granted to Her Majesty for the service

Mr. Richard Power

of the year ending on the 31st day of March 1880, the sum of £6,694,816 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow*.

METROPOLIS (WHITECHAPEL AND LIMEHOUSE) IMPROVEMENT SCHEME AMENDMENT BILL.

On Motion of Sir MATTHEW RIDLEY, Bill to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the modification of a Scheme confirmed by "The Metropolis (Whitechapel and Limehouse) Improvement Scheme Confirmation Act, 1874," ordered to be brought in by Sir MATTHEW RIDLEY and Mr. Secretary Cross.

Bill presented, and read the first time. [Bill 184.]

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 16th May, 1879.

MINUTES.]—PUBLIC BILLS.—*Second Reading*—Local Government Provisional Orders (Abtton-under-Lync, &c.) * (79).
Committee—Report—Pier and Harbour Order Confirmation * (73).

FOREIGN POLICY OF HER MAJESTY'S GOVERNMENT.—OBSERVATIONS.

THE DUKE OF ARGYLL: My Lords, the Notice I have given is a Notice of Motion, and the Motion which I now beg to make is for Copies of the latest Reports from Her Majesty's Consuls and from Her Majesty's Ambassador at the Porto upon the prospect of administrative reforms in the European and Asiatic Provinces of Turkey.

My Lords, when I placed this Notice on the Table of the House, I did it in the confident expectation that I should be able to congratulate Her Majesty's Government and your Lordships, when I addressed you to-night, on the execution, or, at least, upon evident steps being taken for the execution, of the 22nd Article of the Treaty of Berlin. I rejoice to say that in that expectation I have not been disappointed. My Lords, I attach no importance whatever to the

change which has been made in the interpretation of that Article of the Treaty by the noble Marquess the Secretary of State for Foreign Affairs. I think, indeed, that it would have been better if the noble Marquess had admitted that the interpretation which he put upon that Treaty was not a perfectly natural one. No one, in my opinion, can read it without coming to the conclusion that it was intended that the evacuation of the Principalities by the Russian Army should be concluded by the 3rd of May; but, my Lords, as I have said, I attach no importance to the change which has been made in the interpretation of that Article. We have received accounts this morning through the public papers which I think make it plain that it is really the intention of the Russian Government to commence *bonâ fide* the evacuation of those Provinces, and I accept the solemn assurance which has been given to us by Her Majesty's Government that they fully expect that by the 3rd of August there will be no Russian soldier at this side of the Pruth. My Lords, I rejoice at that fact. No noble Lord opposite, no Member of Her Majesty's Government, can rejoice at it more than I do. It gives us at least a hope that the curtain is about to fall upon what has been a scene of terrible violence and bloodshed.

But, my Lords, that being so, the 3rd of May is unquestionably an epoch in this great Eastern Question. It appears to me that we have arrived at a time when it is possible to look back over nearly four years of negotiations and of war—and to estimate what has been lost and gained during that eventful time in the political history of this country. My Lords, in commercial life we all know there are times when men take stock of their proceedings. If noble Lords opposite should object to an illustration taken from commercial life, and should say—as perhaps they will—that we are no longer, under their rule, a nation of shopkeepers, but a nation of warriors, then I will say that even warriors, at the end of a campaign, look to the roll-call of the living and the dead, and that it is worth while to look to the history of those four years and to see what are the political ideas which have perished in the conflict, and what are the political opinions which still survive.

My Lords, the first thing I see in looking back over these four years is the immense Parliamentary success of Her Majesty's Government. I can assure noble Lords opposite that I am not inclined to underrate that success. On the contrary, I place it at its very highest value. Her Majesty's present Government came into Office with a majority not so strong, I think, as that which carried Sir Robert Peel into power in the famous Parliament of 1841—not so large as the late Government had on coming into Office—but still a majority that made them one of the most powerful Governments of recent times; and the striking fact is this—that that majority goes on increasing, and that, too, with especial reference to their conduct of foreign affairs. Every attack upon them has been successfully repulsed. I am not now speaking, of course, of debates, for we all think we get the best of it in debates. I am speaking of actual Divisions as the test of Parliamentary success. Every attack upon the foreign policy of Her Majesty's Government has been repulsed on Divisions. We have not been repulsed, indeed, by what is called a fire of precision; we have been beaten rather by a sort of Zulu rush. We have been mobbed. Our order has been broken, our camp has been taken, and we have been assailed right and left. I do not know a more signal proof of the success of Her Majesty's Government in their foreign policy, so far as Parliament is concerned, than the fact that they have thrown out two of their most eminent Colleagues without the smallest effect upon their power. One of those Colleagues is a very highly-gifted Member of your Lordships' House, who conducted the Colonial affairs of the country for some time with much distinction (the Earl of Carnarvon); the other is my noble Friend who sits on the cross-Benches (the Earl of Derby), who, as all your Lordships will admit, is a man of great ability and power, and whose power and great ability are acknowledged not only by his own Party, but by all Parties in the country. Those two distinguished men have been thrown out of the Government, and that without any more effect upon the position of the Government as regards the foreign policy from which they dissented than if they had been two

Junior Lords of the Treasury. I say, my Lords, that that is a very remarkable proof of the Parliamentary success of Her Majesty's Government; and it is one of the most striking facts connected with a review of the last four years.

But there is another circumstance which strikes me very much, and it is this—that the Members and adherents of the Government, although they have had this immense success, are by no means peaceful and contented in their minds. They ought to be overflowing with the milk of human kindness. They ought to treat us, their opponents, who have been so often beaten, with the utmost tenderness and courtesy. But, my Lords, there is not much proof of any such frame of mind in the language of the Government or of their supporters. On the contrary, their recent utterances appear to me to have shown not only asperity to us, but a tone of positive mortification and disappointment. If, instead of being a triumphant Party, they were a defeated faction, the language of noble Lords opposite and of their supporters could not have been more full of wrath and anger than it has been. I will give your Lordships two examples of this—one contained in the language of a noble Lord, a Member of this House, whom I have now the honour to address, and who is the inheritor of a distinguished name (Earl Stanhope). There is a Society, it seems, including not a few Members of this House, which is called the Patriotic Society. It assumes that the Party to which it is allied possesses a monopoly of patriotism. Well, my Lords, on this Eastern Question I entertain strong opinions, and have not refrained from maintaining them in this House; but I have never said that patriotism is confined to this side of it. The members of this Patriotic Society, however, appear to think that their opponents are necessarily unpatriotic persons. Well, my Lords, the other day this wonderful Patriotic Society got up an Address to Her Majesty's Ambassador at Constantinople, Sir Henry Layard. My Lords, I will not speak of the terms of that Address; but I find that, in spite of the tremendous successes to which I have referred, the noble Earl opposite, on behalf of this Society, spoke of the action taken by noble Lords on this side as the cries of faction and of jealous Party

spirit; and the noble Earl added, speaking to Sir Henry Layard, that he had to uphold the honour and interests of England in the presence of people who could with some show of reason have insisted that this country had failed to fulfil the contract we had entered into on their behalf—in other words, that we had broken faith with the Turkish Government.

My Lords, I very much rejoice at this most frank confession. I have often said that the real object of many noble Lords opposite was to engage this country in a war in support of Turkey; and I rejoice to see that, on the authority of the Patriotic Society, a noble Earl, the inheritor of a most distinguished and illustrious name, has been frank enough to declare his opinion that England was guilty of a breach of contract in not having assisted the Turkish Government to maintain its oppressive rule over her Christian subjects. Well, but I pass from this Patriotic Society, and come to a noble Lord who is a Member of Her Majesty's Government. I remember two years ago, in the heat and hurry of debate, I was induced—unfortunately, I think—to use rather a rough expression with regard to the course taken by the noble Marquess, then the Secretary of State for India, now the Secretary of State for Foreign Affairs, in going down to Manchester and making a speech to the cotton interest there, on which occasion he gave, I thought, some rather incautious promises. I said on that occasion that the noble Marquess had been “on the stump.” I will not repeat that expression in reference to the speech delivered by the noble Marquess the other day, before the members of the Registration Society for the Conservatives of Middlesex; but if the noble Marquess will allow me, I will say that he has made what is sometimes called in the newspapers an “extra-Parliamentary utterance.” Now, this extra-Parliamentary utterance does not show at all that serene and lofty spirit which I should have expected from a Member of a Government which has such a triumphant majority, and which has so easily beaten us in all our encounters. It is very true we have committed the great crime of differing from the noble Marquess; but I beg to remind him that it is legitimate in Parliament for the Opposition to differ from the Government; and really, con-

considering his success, I think he might have treated us with some decent courtesy, and observed the amenities of Parliamentary life. After all, in differing from the noble Marquess, we have not committed such a great crime. I have now been upwards of 30 years in public life, and I never knew a Minister more difficult to understand, or to follow. For instance, the other night, when he came down to the House to explain in dulcet tones the entire fulfilment of the Treaty of Berlin, he shone like the peaceful evening star. But sometimes he is like the red planet Mars; and occasionally he flames in the midnight sky, not only perplexing nations, but perplexing his own nearest friends and followers. We have differed from the noble Marquess; but we have not differed from him more than he has differed from himself. We have differed from him no more than Her Majesty's Plenipotentiary at Constantinople has differed from the Foreign Minister, or than the author of the famous Circular in the Treaty of San Stefano has differed from the author of the secret Agreement with Count Schouvaloff. We have differed from him, it is true, but not more than the noble Marquess differed from himself when he denounced the study of small maps, and when afterwards he sat a humble disciple at the feet of those two great captains of Russophobia, Sir Henry Rawlinson and Sir Bartle Frere. My Lords, what does the noble Marquess—this great Minister with a triumphant majority, who ought to be able to speak of those who differ from him with courtesy and respect—what does he say? He says—“In a critical moment in the nation's life, when aggression on our interests”—that is, the interests of England—“seemed to be imminent, public men were found to come forward and maintain the interests of those by whom their country was threatened.” This is very like the language of the Patriotic Society. I do not know whether the noble Marquess is a member of that Society; but his language reminds me of it. He distinctly accuses the Members of this House who venture to differ from him, not more than he has differed from himself, as being unpatriotic enough to assist the enemies of their country. That, I think, is not language which ought to be used by a Secretary of State. The noble Marquess went on

to speak of certain public men, of whom I am one, as having described “sharp curves.” My Lords, what does this mean? It means that Turkey having been given 20 years to reform, and having become worse instead of better, we have said that the experiment of 1856 has failed. The radius of our curve was 20 years; but the radius of the curves which have been described by the noble Marquess himself has been somewhere about three weeks or a month. I want to know what is the secret of all this angry and disappointed language? Cannot you enjoy your triumphs in peace? Why mangle the bodies of the dead like the Zulus? What is the secret of all this rancour? Do you think we are like the dry bones in the vision of Ezekiel—that we are likely to rise up soon an exceeding great army? Or is there another cause for it? Are you conscious that while your opinions have triumphed in Parliament, our opinions have triumphed in the world? Is this the secret of your dissatisfaction and of your mortified tone? I will try to assist you in searching into your own consciences. I want to know what you have accomplished with your great majorities, your ringing cheers, your Imperial perorations? What have you done for England and for the world—for the freedom of the East and for the limitation of the power of Russia? What has been the net result of your four years of triumph? Have you done what you intended to do, or is your pretext to the people of England in regard to the Treaty of Berlin one great political imposture?

My Lords, my first proposition is this—that looking back to the results—and my Motion has respect to results only—looking back to the results, so far as they have been attained, of those four years of negotiation and war, you have entirely failed in the objects which you had in view. What were these objects? Of course you will say, “the interests and honour of England.” But these are our objects too. Still, I do not doubt that the interests and honour of England were your objects. I have never said one word in this controversy, heated as it has been, nor should I allow myself to say one word, against the patriotism of noble Lords opposite. But we have our own opinions of what the interests and honour of England are;

you have yours. It is fair that we should fight them out. But when we come to define what your objects were, you must not use the language and forms of speech which do well enough in perorations. You must come to business. Now, I ask you what were your objects? My definition of them is this—to retain, as far as you could, something substantial of the Turkish Empire, and to resist, as far as you could, any substantial gains to Russia. Well, my proposition is that you have failed in both these objects—entirely and absolutely failed. My Lords, the Treaty of Berlin—and let the people of this country understand it, for they do not understand it at present—the Treaty of Berlin is nothing but the Treaty of San Stefano with a few comparatively unimportant modifications. Under the Treaty of Berlin, of which you are so proud, Russia has recovered the Bessarabian Provinces on the Danube; she has recovered Kars, which has been called the key of Turkish Armenia; she has gained, for the first time, a large slice of the Asiatic Provinces of Turkey; and, above all, she has gained the harbour of Batoum, which has been the object of Russian ambition for many and many a day. And what is the cumulative effect of these gains to Russia. My Lords, I will describe it in language which may possibly be familiar to the House, language which, though Russophobic in its character, still contains a good deal of truth—

“The compulsory alienation of Bessarabia from Roumania, the extension of Bulgaria to the shores of the Black Sea, which are principally inhabited by Mussulmans and Greeks, and the acquisition of the important harbour of Batoum, will,” says the writer, “make the will of the Russian Government dominant over all the vicinity of the Black Sea. The acquisition of the strongholds of Armenia will place the population of that Province under the immediate influence of the Power that holds them; while the extensive European trade which now passes from Trebizond to Persia will, in consequence of the cessions in Kurdistan, be liable to be arrested at the pleasure of the Russian Government by the prohibitory barriers of their commercial system.”

These are the words, not of an opponent of the Government, but of the noble Marquess himself, in his celebrated Circular of the 1st of April, 1878. Of all these consequences, which have you averted? Every one of them stands exactly as he described them except this

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—that the Russian Frontier has been removed from the town of Bayazid, and from a certain valley (with a name not easily pronounced), which leaves the caravan route from Trebizond for the moment free. Does anyone think this makes any substantial alteration in the gain of Russia? It has given Russia a great slice of country and a mountain barrier behind which her Armies are perfectly safe; and, at the first moment of alarm, she can take that route which you professed to have saved. Another change which is presented to the people of England as a modification is that which relates to the port of Batoum. The Russian Representative said—“If you will concede that, we will express our intention to make it a free port;” and the noble Marquess and the noble Earl said, with effusive joy—“We are too delighted to accept the assurance of His Imperial Majesty; we think it makes the greatest possible difference in the case.” I say, in the presence of noble Lords learned in International Law, that the assurance of the Emperor of Russia to make Batoum a free port does not prevent Russia from making it a fortified port, and from making it the head-quarters of the Russian Fleet which will command the Southern coasts of the Black Sea. This modification of the Treaty of San Stefano is nothing but a mere blind. By this Treaty of Berlin, of which you say you are the authors, and of which you are so proud, Russia has acquired a position in which you will very soon hear of Todleben being hard at work, and when the next war arises you will find it to be a powerful station of the Russian Fleet.

Well, but I pass from the direct gains of Russia, and I come to those which are indirect. You have always gone upon the principle that whatever is lost to Turkey is gained to Russia, and, under your management, that is perfectly true. I admit the principle, under your management; but I limit it to that. If Provinces had been taken from Turkey by your assistance, you might have done something to resist Russia; but the tendency of what you have done is to place power in the hands of Russia. What are the losses of Turkey? She has lost for ever her Danubian Frontier—the bank of that great historic river, her first line of defence, which has so often been the means of

resisting invasion. That has been abandoned for ever. It was an axiom, indeed, of the great Napoleon, that a great river could never prevent the passage of an invading Army; but the Danube, as a defence of Turkey, was re-inforced by a powerful Quadrilateral of fortresses, which are also gone for ever.

Wonderful to say, such is the power of delusion which the Government have had over the people of this country that the clause in the Treaty which provides for the destruction of the Danubian fortresses is looked upon as if it were a clause which redounded to their honour, and which they were anxious to see carried into effect. The noble Marquess, the other night, spoke of the destruction of these fortresses in such a way as to produce an impression in the House and out-of-doors that it was a provision in the interest of Turkey and against the interest of Russia. This clause about the Danubian fortresses is taken directly from the Treaty of San Stefano; and so anxious were the Russians about the razing of these fortifications that it was provided for in two separate Articles of the Treaty of San Stefano, with this condition added—that no new fortresses were to be raised on the banks of the Danube. Can there be a clearer proof that this clause in the Treaty of Berlin was inserted in the interests of Russia, and that your anxiety to see it fulfilled is one that will be heartily seconded by the Russian Emperor? These were two of the great losses of Turkey, and, consequently, under your management, two of the gains of Russia. The Danubian Frontier is gone, and these great fortresses—one of which, Silistria, in the hands of the British during the War of 1856, resisted successfully the Russian invasion—are gone for ever. Another gain to Russia and loss to Turkey is the extension of Serbia and the erection of a new Principality, the constitution of which in its very essence is hostile to the Turkish Government. Occupying the Danubian Frontier, the new Bulgaria will now have on the West the enlarged country and population of Serbia intimately connected with it in common interest, and certain to make common cause with it in any future contest with the Turks. These two conterminous Provinces give the power of entrance into the very heart of Turkey. Bulgaria, in the pos-

session of Sofia, turns the Balkans on that side; Serbia, by her increased territory, gives an entrance into the very heart of the Roumelian Province of Turkey; and these are the provisions of the Treaty of Berlin, which, according to you, have saved Turkey and have resisted Russia.

But this is by no means all. When the noble Earl and the noble Marquess were returning in triumph from Berlin, among the pæans of their supporters, they published a wonderful Blue Book—Parliamentary Paper, No. 37, 1878—which consisted of one page—a map showing “the territory restored to Turkey.” It was like the advertisement of a second-rate theatre—“Immense success! Triumphant success of the Government in the territory restored to Turkey!” With this interesting map there were only two lines of letterpress, which informed us that all Bulgaria contained only 17,000 square miles taken from Turkey together with the fortresses, while, on the other hand, no less than 30,000 square miles had been restored to Turkey. It sounds very fine; but let us inquire into the facts. Of the 30,000 square miles boasted of as restored to Turkey, a large part consists of Eastern Roumelia; and in what sense is that restored to Turkey? The Governor must not be a Turk; but, by the Law of Europe, by the Treaty of Berlin, he must be a Christian. Let us understand the significance of this distinction in the East of Europe. Christians and Mahomedans, Hindoos and Christians, can, and do, live together in peace and amity under the British Government and under the Russian Government; but you cannot get a Turkish population to live under Christian rule, or a Christian population to live under Turkish rule in the East of Europe. One has been too long accustomed to absolute rule, and the other to the evils of that rule. It was perfectly right to say that the Governor must not be a Turk—but that means that the authority of that Government is for ever separated from the authority of Turkey. Then, the Sultan is not even free to choose the Christian who is to be Governor; he cannot nominate him except with the consent of the Powers; and that is not all, but the internal government is taken from the Sultan and, under the guarantee of Europe, the Province is to enjoy

autonomous institutions. The principle of the Treaty is, that the people of Eastern Roumelia should be entitled to their complete autonomy in all internal affairs. It is, then, a mere quibble to say that in the full sense of the words this Province has been restored to Turkey. But even that is not all. The Sultan is not even to be allowed to put any troops within the territory except on the Frontier. The Militia is to be Native; and we know, from the ordinary sources of information, that the Mussulman population to a large extent have left the Province. Therefore, I say that in no proper sense of the words has this part of the 30,000 square miles of territory been restored to Turkey. You call it the direct government of the Sultan; but there never was a form of words more delusive. Now observe, my Lords, I am not now assuming you are going to fail in securing the execution of the Treaty of Berlin; on the contrary, I am supposing you will succeed in executing the whole of that Treaty—that you will succeed in carrying into effect the whole of its intentions; but what is the result? Can you really pretend to the people of this country that, under these circumstances and conditions, the 12,000 or 15,000 square miles of Eastern Roumelia out of the 30,000 square miles you profess to have restored to Turkey can in any sense of the words be said to have been so restored? I say, practically, that Province is withdrawn from Turkey; and I say, further, that, under your management, its influence has been added to that of Russia. One of the most wonderful sayings attributed to the noble Marquess—I do not know whether correctly or not—in his speech the other day to the Registration Society, to which I have already adverted, was when he enlightened the Conservative electors of the City of London by actually using this illustration—he said, setting aside details into which he would not enter, that the relations between Eastern Roumelia and the Sultan will be very much like the relations between the British Colonies and the Queen. I am about to visit the greatest of our Dependencies—the Dominion of Canada—and I shall be curious to learn whether the people there recognize this new doctrine in political philosophy, that the relations between Canada and the Queen are very much the same as the relations which

have been established under the Treaty of Berlin, between the people of Eastern Roumelia and the Grand Turk.

But I go further. Setting aside Bulgaria and Eastern Roumelia, is it really true that the rest of the territory has been restored to Turkey? Not a bit of it. The Treaty of San Stefano stipulated, in the 15th Article, that Turkey should no longer be independent, even in its most purely internal affairs. It stipulated that Turkey should give political institutions to all her European Provinces similar to those of Crete, which, practically, involve considerable independence. Under the Treaty of San Stefano, therefore, the whole of Turkey was put under promise to Russia, and to the other Powers behind Russia, that certain privileges should be given to every one of the populations. That was a stipulation in the Treaty of San Stefano which made Russia the mistress of Turkey. What have you done with that? Have you thrown that out? Not a bit of it. You have adopted it in your Treaty of Berlin. You have put Turkey under a promise to all the Powers, for the whole of the rest of her territory, that she shall give Constitutions similar to that of Crete, and you retain in your own hands the power of judging whether she has or has not fulfilled that obligation. I say, under these circumstances, you have restored no part to Turkey. You have followed slavishly the Treaty of San Stefano. You have adopted all its main Articles, and by these Articles you have made Turkey a subject Power.

But, perhaps, it may be said—"It is very true we have adopted the provisions of the Treaty of San Stefano, but we could not help ourselves, and Turkey is now for the first time under Treaty obligations in regard to its most internal affairs; but, at least, we have substituted Europe instead of Russia." That would be a very fair answer if it were true; but it is not true. Under the Treaty of Paris of 1856, it is true that something like an Europe was constituted separate from the individual Powers; but under the Treaty of Berlin there is no Europe. What you have done is this—you have added your right to coerce Turkey to the right which Russia had already acquired for herself; but you have not constituted any joint authority. The Treaty of Paris provided that recourse was to be had to the United Powers before any

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one of them went to war with Turkey. You made no such provision. Under the Treaty of Berlin each and all the Powers have their separate rights of direct recourse against Turkey; and they may claim the fulfilment of the promise made not to Europe only, but to each and all the Powers. And, what is more, I believe the noble Marquess was a special opponent of a provision which was suggested by Russia that there should be some machinery for carrying into effect the intentions of the European Powers. The noble Marquess resisted this—on what ground I never could really understand—but, whatever his ground, the effect is this—that each and all the Powers have, severally and separately, their recourse against Turkey in case of quarrel. Now, under these circumstances, I maintain that the Treaty of Berlin in all essential respects—so far as the independence of Turkey is concerned—is nothing but a copy, with slight, comparatively unimportant, and sometimes mischievous, modifications of the Treaty of San Stefano. Well then, perhaps, the noble Marquess may say—"But then we have the Asiatic Convention." I must say, in regard to this Asiatic Convention, that I never did feel the objection to it which I have felt to many other parts of the policy of Her Majesty's Government. It had, at least, this great advantage—that it confessed it to be quite wrong and impolitic to guarantee to Turkey any part of her Dominions without a corresponding promise of reform. It gave up the doctrine of the patriots in this country that it was for the interests and honour of England to maintain the Turkish Government, whether it reformed itself or not. It admitted the principle that if we guaranteed Turkey in her territory she was bound to assure us of good government. The only objection I had to it was that it was impossible to execute it. But look at the bearing of the conduct of the Government as to this Convention. I have already referred to the importance of the harbour of Batoum. If any one thing is certain in regard to this Eastern Question, it is this—that if England had chosen to insist, she might have prevented Russia acquiring Batoum. We had our Fleet—a very powerful one; Turkey also had a Fleet of considerable power, under the command of a dis-

tinguished English officer; while Russia has no Fleet in the Black Sea; and it certainly would not have been impossible to prevent Russia acquiring Batoum, if we had employed our Fleet and the Turkish Fleet to prevent it. But the Government came to the conclusion that it was not for the interest or honour of England to go to war with Russia to prevent her getting the harbour of Batoum. The noble Marquess, in a speech the other day, said they gave up many things for the sake of peace. By all means—it was quite right to give up Batoum for the sake of peace. But you, who declined to go to war for the harbour of Batoum, took revenge on future Governments by a Convention which compels future Governments to go to war with Russia if she acquire a single scrap more of territory in Asia Minor. Conceive the rashness of that transaction. You exercised your own freedom, and I think wisely, in determining not to go to war even to prevent the most important acquisitions being made by Russia on the shores of the Black Sea; but you determined as far as you could to impair and hamper the freedom of future Governments of England, and to compel your country, very possibly under most disastrous circumstances, to go to war with Russia if she should make any future acquisition even round the slopes of Ararat. Is this a foreign policy of spirit and dignity?—is this a brave foreign policy? It seems to me a foreign policy founded on, and essentially involving, a conspicuous example of political cowardice. You have no right to revenge yourselves on posterity for the rebuff you have received in submitting to Russia. You ought to have left the hands of the future English Governments as free as they were before; and I cannot conceive any Convention made by an English Government less worthy of them than this Convention, which you know you cannot execute, but which will be a serious embarrassment to those who come after you.

My Lords, I have not yet done with this wonderful Treaty of Berlin. It leaves Russia in full possession of the enormous subsidy which was imposed upon Turkey by the Treaty of San Stefano. That subsidy amounts to something like £50,000,000. "Oh!" you said, "we have taken care that this engagement to

Russia shall not be a prior obligation." Prior to what? It may not be prior as regards other creditors—that may be true; but it is prior to many other important purposes on which Turkish Revenues ought to be employed for the improvement of the government and the happiness of the people. Russia may not be before other creditors, but she is before the Native population of Turkey. The noble Marquess came down the other day and told us that the reforms in Turkey depended upon the finances of Turkey; and so they do. But how does this apply as regards the subsidy? Why, Russia is enabled to checkmate the reforms of Turkey. Then look at it from another point of view. Look at the power it gives to Russia over Turkey. Are you sure, since the complete subjection of Turkey to the political domination of each and all of the Powers, that Russia will have no access to the Porte which is closed to you? Russia has nothing to do but, with a wink of the eye in the Palace of the Sultan, to say—"We shall not insist this year upon more than half the interest, provided you do so-and-so," and it will be done. Depend upon it, this subsidy is an instrument in the hands of Russia which she will know how to use. I am not inclined to blame the Government for every departure from the Treaty of Berlin. What I said before I repeat—that there would be no loss of honour or of credit, but the contrary, if the Government should agree to the modification of that part of the Treaty of Berlin which related to the garrisoning of the Balkans. The noble Marquess told us the other day, if I understood him rightly, that this clause was not compulsory, but permissive—that it was in the power of the Sultan to put those garrisons in; but it was not in the power of the Sultan to bar his right to do so if he liked. But what does this come to? The Sultan might do it, or not do it; but he could not bargain his right away. But by a private agreement with Russia he could bargain to abstain from the exercise of his right, and I believe he would be wise to do so. I believe these hostile garrisons in the midst of a hostile population will be no real gain to Turkey; and I hope if the Government comes to that conclusion, in concert with the other Powers of Europe, that it will not insist on that Article of the Treaty.

The Duke of Argyll

There is only one other part of the arrangements made by the Government to which I wish to refer, and that is the Convention with regard to Cyprus. Just before the announcement was made of the acquisition of Cyprus I had been reading a very interesting work, not of a political character, on the Island of Cyprus, by the American Consul, Mr. Cesnola. It contained an account of the antiquities of Cyprus; but, incidentally, and entirely without reference to political affairs, it mentioned circumstances which gave a most horrible idea of the misgovernment of the Island under certain Pashas. The author added to the innumerable proofs we have already had from independent sources of the corrupt character of the Government of Turkey. Therefore, I must confess, when I heard of the acquisition of Cyprus by England, I was very much disposed to say—"Well, at least, here is one more corner of this fair world redeemed from the Government of Turkey." And as I did not see much harm in it, it was one of the arrangements made by the Government in which I was inclined to acquiesce. But, as a means of resisting Russia, it was a bad joke, and worse than a bad joke. It was a mere bait. It is true that great nations like great landowners have sometimes such a desire for territory that they are ever eager to acquire more. The noble Marquess and the noble Earl knew their countrymen, and they took them in their weak point. The rejoicings in the country and the Press at this acquisition of Cyprus reminded me very much of the joy that some Member of your Lordships' House, with 200,000 or 300,000 acres, might experience when he heard that his agent had bought some old woman's cabbage garden.

I turn now to sum up the results of what you have done. The first result I apprehend is that Turkey is gone—gone for ever. The noble Earl at the head of the Government said, I believe, a year and a-half ago, that great Powers might exist with the loss of Provinces—that England had lost Provinces, and why should not Turkey lose them. But Turkey has lost more than Provinces—she has lost that which is essential to Empire, she has lost her independence. Do not deceive yourselves with fine phrases—Turkey as an Empire is dead and gone. The next result from the conduct of the Government is that the

future of Turkey is left in complete confusion, with the most dangerous liabilities to this country. I do not know whether many of your Lordships realize this fact—at least I believe it to be a fact—that besides the clauses of the Treaty of Berlin which are taken *verbatim* or substantially from the Treaty of San Stefano—and these are the most important and most operative clauses—it must be held that all the rest of the Treaty of San Stefano which is not affected by the Treaty of Berlin survives as between Russia and Turkey. [The Marquess of SALISBURY dissented.] The noble Marquess shakes his head; but I have seen a despatch from himself in which he says we have no right to interfere with regard to the subsidy, because it was part of the Treaty of San Stefano, and did not contravene the Treaty of Berlin or the general law of Europe. Therefore, I have a right to infer that those parts of the Treaty which are not against the general law of Europe and the Treaty of Berlin remain intact. Then there is another point, and that is the identification of the interests of the populations of the South-East of Europe with Russian interests. That I regard as a far more formidable result of the policy of Her Majesty's Government. It was an important question whether the new Principalities should or should not be independent of Russia. I maintain that the identification of the feelings of the population of those Principalities with Russia has been due mainly to your conduct. Have your Lordships read the account of the last day's proceedings of the late Bulgarian Assembly? The name of England was never mentioned; all the enthusiasm of the day was for the Czar. The cheers were all for the Russian Army, and the Russian Emperor was treated as the Liberator of the country—which, indeed, he has been. All the gratitude of the country is given to Russia. My Lords, look at the actual results under the operation of this Treaty? Who has been elected Prince? The nephew of the Empress of Russia. Do you think there is no meaning in that act? You may regret it, but you cannot help it. By the large portion of the public which has been supporting you and egging you on, and which has given you your great majority in Parliament, that will be considered a significant fact. And you and your agents are still busy

at work teaching the Christian populations that their only safety lies in clinging to Russia. At the beginning of my speech I referred to an address of the Patriotic Society. How does Sir Henry Layard reply to it? Why, he indulges in unmitigated abuse of the Bulgarians. The Government of England are pledged to support this new Principality, in regard to which our Ambassador uses this language—

"However bad the Turkish Government may have been, it was a controlling body. You have now established a Bulgarian Nationality, which, I fear, will be far worse than the Turks."

Now, I do not say whether that is true or untrue; but is that the kind of language which you ought to encourage on the part of the Ambassador of England? Sir Henry Layard is an old personal friend of mine. I have received kindness at his hands, and I admire the ability and the energy of his character; but—and I say this painfully as a public duty—a man who goes back to Constantinople at this time to see to the execution of a Treaty which provides for this new Nationality violates in a grave manner his public duty when, being the Representative of England, he tells us that the Bulgarian Nationality will be worse than the Turks. Well, I sum up the results in Europe by saying this:—That with this Treaty of Berlin, which is a pale copy of the Treaty of San Stefano, we can afford to smile at your Parliamentary victories and to laugh at our own defeats. It was our desire—at least, it was mine—that Turkey, as an Empire in Europe, should be destroyed. You have done that; or, rather, Russia has done it for you, and you have not ventured to interfere. You have given your sanction, because you could not help it, to all the main provisions of the Treaty of San Stefano, which reduce Turkey to a dependent State. I am not dissatisfied. Like a man who looks at some great savage beast which has received its death-wound, but which is still capable of mischief, I say—"Hold back! Do not sacrifice another life by putting him out of his pain. Internal bleeding will do the rest. Let him alone to die." As regards the flourish of the Government, when they returned from Berlin saying that they brought back "Peace with Honour," it seems to me that it was "Retreat with Boasting."

My Lords, if I had not taken a prominent part in this question, and been responsible for discussions on it out-of-doors, I should have shrunk from the labour which I have undertaken to-night; but I feel I should be guilty of shirking a public duty if, having said a good deal out of this House, I were to flinch from submitting my opinions to the test of discussion, and to the fire of debate. I have still, therefore, to deal with results in Asia. On the subject of the War in Afghanistan the noble Earl at the head of the Government made an appeal to me last night to which I wish most heartily to respond. In looking back at these four years, there is no part of the Eastern Question on which the Government has been more loyally supported, and on which they have had a more triumphant majority in this House. I am not at all surprised at that. It seems to be perfectly natural in the circumstances. This House was not consulted until it was too late, and many noble Lords on both sides said to themselves—"Here is the Government committed to a war. It is too late for us to interfere, and we must, in the circumstances, support the Government." I perfectly understand the motive under which the majority voted; but we must look back a little to what was done before. I am not talking of the results which are still in the future, but of things which have been done, and which cannot now be undone. I wish the House to remember that the history of the Afghanistan Question is distinctly divided into two separate parts. First, there was the diplomatic quarrel which ended in April, 1877; and then there was the subsequent quarrel with respect to the Russian Mission, which was the more immediate occasion of the war. I wish to make a few observations respecting the diplomatic quarrel which ended in April, 1877, and as to which Parliament was never informed. It was kept a profound secret from both Houses of Parliament—studiously kept secret. The first result which I find in the conduct of the Government is this. They have made a most offensive imputation against the Mahomedan subjects of the Queen. It is very singular that in all the public discussions of this question that I have seen the point to which I am now referring has hardly been noticed. The whole quarrel with Afghanistan arose

out of the determination of the noble Marquess that we should have Englishmen, and not Mahomedans, as our Agents in Afghanistan. There was no quarrel with the Ameer about Native Agents. He would have had as many Mahomedan Agents as you like. "No," said the noble Marquess, "we cannot trust these Native gentlemen; their accounts are so incomplete, and I doubt whether they are perfectly faithful. We must have Englishmen." And that was the cause of the quarrel. I myself have had the honour of being Secretary of State for India, and I deprecate the mischief likely to arise from the doctrine that we cannot trust the Native Mahomedan gentlemen in India even to give us correct and faithful information. I believe it to be entirely untrue and unjust. I believe that the Native gentleman who was our Agent at Cabul for many years, and who was chosen by my noble Friend behind me (the Earl of Northbrook) as a gentleman of ability and high honour, was as honest and as upright a man as regards information as any English gentleman you could get. Indeed, Lord Lytton himself was obliged to compliment him, at a later stage of the proceedings, on the conduct he pursued. I believe that this diplomatic quarrel—which, be it remembered, led ultimately to the war, on the sole ground that the Ameer would not receive British officers—was a cruel and unjust charge against the Mahomedan gentlemen who are subjects of the Queen.

There is another result which I am very sorry to have to mention, but which I feel bound to mention, and I shall be very glad to have a satisfactory answer from the Government. It is one result of the conduct of the Government in this Afghanistan Question that it can be said, with too much truth, that the Government of India had shuffled with its public engagements. I maintain that by the 7th clause of the Treaty of 1857, entered into with Dost Mahomed, the father of Shere Ali, we were bound not to press British officers upon him. The rest of the Treaty was more or less temporary, but that was a surviving clause. Lord Lytton himself, after some attempts at evasion, was obliged to confess it; and I say that the diplomatic pressure which you placed on the Ameer was a direct violation of the 7th clause of that Treaty. Then, there

is another consequence which I think is a very serious one, and that is, the most injurious and invidious distinction which has been made between Treaty obligations and obligations under solemn promises of the Viceroy of India. In India we are dealing with half-civilized peoples, to whom the forms of European diplomacy are not familiar. Many of our obligations rest upon the words of Viceroys and Governors General; and the distinction made by Lord Lytton between Treaty obligations and obligations under the solemn promises of Lord Mayo, Lord Lawrence, and Lord Northbrook, was a distinction most injurious to the honour of the British Crown.

There is yet another result of your proceedings in the East. It is that the British Government has been found to be capable, and the Secretary of State for India to be capable, of something very like double-dealing in negotiation. That is a very serious charge. I quite admit that; and unless I am able to give chapter and verse for this accusation, I shall certainly retract it. If the noble Marquess can prove that I am mistaken, I shall publicly withdraw it. But I think it my duty to say here, and in his presence, what I have said elsewhere in regard to his conduct in this negotiation. I can put in a nutshell what I have to say upon it. The late Ameer, Shere Ali, made two demands upon the British Government in 1869 through Lord Mayo—the one was for a dynastic guarantee in favour of the succession of his son, Abdoolah Jan, and the other was for a military guarantee, irrespective of conditions, against invasion from Russia or any other Power. The policy of Lord Mayo at that time, and the policy of Mr. Gladstone's Cabinet, was simply this—to tell the Ameer, Shere Ali, openly—"We cannot give you that dynastic guarantee. We cannot give you that military guarantee." My complaint against the noble Marquess is this—that he said—"We can give you this guarantee;" and then that he set about by ingenious devices to keep that freedom in the hands of the Government which he professed to give away. That is my charge, and I found it on the Instructions sent by the noble Marquess on February 28, 1877. Just let me read to the House the account which the noble Marquess gives of that dynastic

guarantee. We know that what the Ameer wanted was that the boy Abdoolah Jan, the son of his favourite wife, should be guaranteed by the British Government as his successor over the head of Yakoob Khan, his older and abler son. Lord Mayo said—"We cannot give you that guarantee." What did the noble Marquess say? He said that former Governors General and former Governments had been guilty of using "ambiguous formulæ" to the Ameer, and no wonder the poor man had been disappointed. We will give a guarantee for the succession of Abdoolah Jan. The noble Marquess then addressed private and secret Instructions to Lord Lytton—Instructions so secret and so private that they were actually, by a most unconstitutional exercise of power, withheld from the Council of India. The noble Marquess gave to the Governor General personally—not in Council, the Constitutional form—these secret Instructions; and here is what he says about this dynastic guarantee—

"The frank recognition of a *de facto* order of succession established by a *de facto* Government to the Throne of a foreign State does not, in the opinion of Her Majesty's Government, imply or necessitate any intervention in the internal affairs of that State."—[*Afghanistan*, No. 1 (1878), p. 158.]

That is to say, Lord Lytton was to pretend to give a guarantee for the boy Abdoolah Jan; but he was privately instructed that it need not, and did not, involve any intervention in the internal affairs of Afghanistan.

THE MARQUESS OF SALISBURY asked where the term "dynastic guarantee" occurred.

THE DUKE OF ARGYLL: The words "dynastic guarantee" I do not use as a quotation, but as a descriptive phrase; I use it as a description of what was meant. What the Ameer wanted was a guarantee for the succession of this boy. What the noble Marquess directed Lord Lytton to do was to offer a British guarantee, which was to look like what the Ameer wanted, but with a private explanation that it did not involve any interference in the internal affairs of Afghanistan. That, I think, is not a fair way of dealing. But this is not all. Look at the military guarantee. The noble Marquess instructed Lord Lytton to go as far as he could in giving the guarantee which the Ameer

wanted against invasion by Russia or any other Power; but he distinctly said to Lord Lytton—"You must keep in the hands of the British Government the freedom which we must always keep to judge of the times and the circumstances under which we are to help the Ameer."

Why, that is exactly what we said, and in consistency with that we said, "We cannot give you either of these guarantees." The noble Marquess, on the contrary, went about devising means by which, consistently with keeping his freedom, he should appear to give the promises required by the Ameer. The result was a systematic endeavour to represent to the Ameer that he was being offered something wholly different from that which we were really proposing to give him. Accordingly, in the interview which took place between Lord Lytton and Atta Mahomed, our Agent at the Court of Cabul, the Viceroy told Atta Mahomed distinctly that he was authorized by the British Government to give the Ameer Shere Ali that which he had asked in 1869; and, at a later period, Atta Mahomed was again told to inform that unfortunate Prince that we were willing now to give him all that Lord Mayo and Lord Northbrook had refused. When Lord Lytton gave that assurance three times, he had in his possession documents which proved that what he was then offering was wholly different from what the Ameer had asked for. And what did Lord Lytton himself say? After all these conferences were over—after the Ameer had seen through all your pretexts, and had refused your pretended boons—Lord Lytton wrote home to the Government from India, in a despatch of the 10th of May, 1877, that, after all, he had offered to the Ameer nothing but what Lord Mayo had already given. I say that unless these facts can be refuted by the Government they justify the imputation which I have made against them. My point is shortly this—that while pretending to give what we (the late Government) had refused, you carefully reserved to yourselves the very freedom which was necessarily inconsistent with the giving such a guarantee.

There is one other result of your proceedings in regard to Afghanistan to which I also allude with very great regret. It is not one for which the noble Marquess has any personal responsi-

bility, except that the Government to which he belongs has sanctioned the proceedings of Lord Lytton. I know very well the difficulty of throwing overboard, especially in the face of an Opposition, a Governor General whom you yourselves appointed, and to whom you gave secret Instructions such as those to which I have referred. But I am sorry to say that one consequence of these transactions is that in personal conferences with the Princes of India they can no longer trust that a Viceroy will treat them with common fairness, or will quote their arguments with a decent regard to accuracy. I will not weary the House with the details which I might quote in support of this assertion; but I may say that I never go back to those conferences at Peshawur between Sir Lewis Pelly and the late Noor Mahomed without a feeling of shame and humiliation. We have all the fairness, all the dignity, and all the truth on the side of the Mahomedan and the Afghan, and we have everything that is the opposite to these on the side of the Englishman and the Christian. My Lords, depend upon it that, whatever may be the result of your negotiations with Yakoub Khan, it will remain indelibly fixed in the history of India that the Ameer Shere Ali had only too good cause to say that he had now a deep-rooted distrust of the good faith and sincerity of the British Government.

I have one other consequence of this policy to bring before the House, and it has nothing to do with personalities. ["Hear, hear!"] I am glad to have that cheer. I ask noble Lords in candour to say whether they think that the way in which negotiations are conducted by Secretaries of State and by Viceroys with foreign Princes is a matter of a purely personal nature? Do Secretaries of State and Viceroys not represent the Crown; and is it a matter of personal interest only that the Crown should not be perfectly straightforward in its dealings? I deny the inference to be drawn from those cheers that we have no right to enter into these matters. They are matters of grave public interest.

Another consequence, and I think a most dangerous consequence, of the conduct of the Government in respect to Afghanistan is that you are willing to saddle the people of India with the

cost of wars which, by your own confession, are not required for their protection. I say "by your own confession," because, when you withdrew your Agent from Cabul secretly and without telling Parliament, knowing that you were not entitled to go to war, you fell back on the doctrine which we have always maintained on this side of the House, that our position in India was so secure that it was quite unnecessary to be alarmed about the state of Afghanistan. Our military Frontier was so strong that we could afford to watch and wait. This was our doctrine. Your doctrine was the opposite—that our Frontier was bad, and our position dangerous. But what did you say when the Ameer defeated you in negotiations, and when you did not dare to go to war for the enforcement of your demands? You said—"We will watch and wait. We will not go to war with the Ameer because he will not receive an Envoy. We are confident in our position." In a conversation on October 10, 1876, Lord Lytton said to our Agent, Atta Mahomed—

"As matters now stand, the British Government is able to pour an overwhelming Force into Afghanistan, either for the protection of the Ameer, or the vindication of its own interests, long before a single Russian soldier could reach Cabul."

And he illustrated this statement by

"Detailed reference to the statistics of the Russian Military Force in Central Asia, and the British Military Force in India, showing the available troops of either Power within certain distances of Cabul."—[*Afghanistan*, No. 1, 1878, p. 183.]

Observe what a careful statement this is. And what does Lord Lytton say in the despatch of May 10, 1877? He says, the further course of Cabul politics

"We cannot foresee, and do not attempt to predict. But we await its natural development with increased confidence in the complete freedom and paramount strength of our own position."—[*Ibid.*, 172.]

Here is a confession, on the part of the Government of India, that our position was one of "paramount strength," so that we could afford to be indifferent to the conduct of the Ameer. Well, that was our doctrine. Since the subsequent war arose out of the Russian Mission—which was a mere blister put to your side in consequence of your conduct in Europe—you have no right to saddle the people of India with the

expenses of that war. It is a war, by your own confession, not necessary to their defence. I will not go into the somewhat intricate subject of Indian finance; but I will venture to say this—that if there ever was a time when it was most of all unjust to burden the people of India in such a way, it is when the Indian finances are in such a critical state as they are now. We all know the enormous additional burdens which are now imposed by the loss through exchange and by successive Famines. The Government of India has been obliged to impose additional taxation for a Famine Fund. To charge the expense of this war upon the people of India is, therefore, not only inexpedient, but most unjust. It will be a lasting result of your policy that the people of India will be afraid of your casting upon them the cost of all your anti-Russian passions and panics. I do not want to say anything about the future on account of my promise to the noble Earl (the Earl of Beaconsfield); but I believe no possible settlement of the Afghan Question can fail to increase the military cost of our Indian Empire. I should be very glad if I could say anything to support the Government in their immediate object of establishing peace with Yakooob Khan. I have no hesitation in saying that if Yakooob Khan is wise he will agree to almost any reasonable conditions. He is a child in our hands. But the facility with which Afghanistan has been overrun is a proof of the truth of our arguments, and not of yours. It shows that we were able to do it at any moment.

Thenoble Earl at the head of the Government, in a speech at the beginning of the December Session—which I deeply regret I could not be present to hear—condemned, in a very eloquent passage, what he called the "peace-at-any-price" Party. My Lords, my withers are unwrung. I am not one of those who are in favour of peace at any price, and I hope I shall not say anything that will be shocking to the House when I say something about my own feeling with regard to war. It seems to me that on all sides there is a certain amount of insincerity in the language too often used on this subject. When we speak of a war which we approve we talk of its glories. When we speak of a war of which we disapprove we talk of its

horrors. Can we not be honest with ourselves on this matter? Can we not admit that war is—not seldom, but very often—by far the least of two evils? I see no signs of the Millennium. Europe is ringing with the tramp of armed men. Men of science are devoting all their time to the invention of some new weapon of destruction. I see no dawning of the day when nations shall beat their swords into ploughshares and their spears into pruning-hooks. War—dear as are all the lives it sacrifices, many as are the hearts it breaks—war is a necessary evil. I do not blame the Government for having armed the country. What I do blame it for is for having armed it at the wrong time and in a wrong cause. In the earlier stages of this Eastern Question, when I think a firm attitude and a few firm words of England might have saved the world from untold horrors, this Government was no better than a respectable Committee of the Society of Friends, with all its helplessness, but without its principles. I understand the policy of my noble Friend on the cross-Bonches (the Earl of Derby). It had its own reasonableness; and, if it had been pursued with consistency, even its own amount of dignity. You might have said, as he said to Turkey—"You have been delinquent and refused to reform, and we leave you to your fate. We will provide for British interests, and nothing else." What I blame the Government for is this—that after they knew British interests would be respected by the Emperor of Russia, they armed the country and very nearly went to war; and the effect was this—that England armed, or appeared to arm, for the sole purpose of resisting the extension of freedom to the Christians in the East of Europe. You have alienated them, and you have failed in supporting Turkey, or in resisting Russia. The consciousness of this is telling on your temper. My Lords, I understand the rancour of the language to which I referred at the beginning of my speech. I understand the mortification with which, in spite of all your Parliamentary triumphs, you look back upon the Treaty of Berlin, which, as I have said, is little more than the Treaty of San Stefano. My Lords, you are beginning to be found out. The people of this country—or at least that portion of the country on which

you have relied—are beginning to see that you have not obtained for them what they expected. It is not we, the Members of the Opposition, who are accusing you. Time is your great accuser; the course of events is summing up the case against you. What have you to say—I shall wait to hear—what have you to say why you should not receive an adverse verdict at the hands of your country, as you certainly will be called up for judgment at the bar of history?

THE EARL OF BEACONSFIELD: My Lords, you are aware, and the noble Duke has just reminded you, that at this moment the Ameer of Afghanistan is a self-invited but honoured guest in the English camp, with the avowed object of negotiating a Treaty of peace and friendship with the Queen of England. I must say that, under those circumstances, when I heard of the intended Motion of the noble Duke, and that he was going to call the attention of the House to the results of our foreign policy in Europe and Asia, I think I had some reason yesterday to remind him of that state of affairs to which I have referred, and to leave it with confidence to his discretion—as I left it then—to observe a statesmanlike silence in the circumstances now existing. My Lords, I have been deeply disappointed in these expectations. At this very moment, when such questions as those to which he has referred—such, for example, as the appointment of a European Resident in the cities of that Sovereign—when such questions are still under consideration, are at this very moment the subject of negotiations, the noble Duke has thought it proper, referring, as he said, only to the past, to treat these subjects in a manner—and in a manner which in the present conditions of communication may in 24 hours be known in those parts—which certainly may gravely affect the carriage of those negotiations. When I consider these circumstances—when I remember the position of the noble Duke—a man so eminent for his ability and exalted in his position, a man who has more than once been the trusted counsellor of his Sovereign—when I see such a man come forward with a criticism which I will not call malevolent, but which certainly was envenomed, attacking the policy of the Government, which at this moment must be being weighed and scanned with the

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most intense interest abroad—I must say that I am astonished. My Parliamentary experience has not been little; but, certainly, in the course of that experience, I remember no similar instance of a person placed in so high a position adopting, under similar circumstances, the course which the noble Duke has thought it right to take. For the reasons which I gave yesterday, I shall certainly not follow the noble Duke into the subject to which he has referred. My noble Friend (the Marquess of Salisbury), when he addresses your Lordships, will find that, although for the moment he may have to sacrifice the gratification of vindicating his personal honour, there are still some matters with respect to Afghanistan to which the noble Duke has referred to which it is necessary for him to allude. I, however, shall not touch upon them. Unfortunately for us, and, perhaps, still more unfortunately for the noble Duke himself, he was not present at those debates in reference to Afghanistan which took place in this House. Those of your Lordships who were present at those debates can scarcely accept as accurate the picture which the noble Duke drew of those discussions. Your Lordships have been told by the noble Duke that you were obliged to consent to a hurried Vote, moved by Her Majesty's Government, who had already committed this country to a certain policy with regard to Afghanistan, without having consulted Parliament. Your Lordships will recollect that, on the contrary, the subject of the conduct of Her Majesty's Government in reference to Afghanistan was discussed for three nights in this House; and that when, with your indulgence, it fell to my duty to wind up the debate upon that occasion—and that after our policy had been criticized and assailed for three nights—I proved, by the production of a despatch written by the late Viceroy of India, that if the distinguished Leaders of the Opposition had been in Office, they would have pursued exactly the same policy which we conceived and which we had the courage to pursue. The result of that debate was that when the matter came to a Division, one of the largest majorities we have ever had in this House sealed with its confidence and its approbation the conduct of Her Majesty's Government.

My Lords, I will endeavour to follow the noble Duke through the subjects which he dealt with in the order in which he introduced them. The noble Duke, as some compensation for the attack which he made upon our Indian policy, commenced his address by congratulating us. The noble Duke congratulated us upon the great fact that, in part fulfilment of the Treaty of Berlin, the evacuation of Bulgaria and Roumania had been commenced. The noble Duke, in congratulating us on that circumstance, said that it was true, at the same time, that the version which he now gave of the obligatory provision in the Treaty of Berlin respecting the evacuation of those Provinces was not that which we had originally given of it, still that the fact that the evacuation had commenced was so satisfactory that he must congratulate us upon our success in bringing about an agreement under which Russia was to be allowed three more months in which to complete the evacuation. I cannot accept the compliments of the noble Duke. I have always placed upon the 22nd clause of the Treaty of Berlin the same interpretation which I understand the Government of Russia now does. My noble Friend and myself, who have worked together in these transactions, have, I believe, never differed upon any single point in reference to the Treaty except this—I certainly understood that when nine months were appointed for the occupation of these Provinces by the Military Forces of Russia, that period should not include the time allowed for the evacuation of them, which was to commence at the termination of that period of nine months. Occupation and evacuation are different things, and if the evacuation were to be commenced within the nine months the period of the occupation would be proportionately shortened. But holding, as I do, that view of the subject, that is no reason why we should agree to an unreasonable length of time being taken in conducting the evacuation of those Provinces, or to anything affecting the fulfilment of the Treaty. The noble Duke treated, as a matter of course, and as a subject upon which there could be no possible difference of opinion, that Her Majesty's Government have agreed to extend the time for the evacuation of those Provinces to the 3rd of August.

There is not the slightest authority for any statement of the kind. What we are bound by is the view now taken by the majority of the Signatories of the Berlin Treaty, to the effect that the evacuation is to commence on the 3rd of May; and it is to be completed within a reasonable time—which may be computed in weeks rather than months, but, at all events, in a moderate time, as compared with the statement which the noble Duke has made. Therefore, the noble Duke, who prides himself upon his memory, has actually complimented Her Majesty's Government upon a circumstance which, if correct, would have been a disgrace to them.

THE DUKE OF ARGYLL: I used the words of the noble Marquess himself, when I mentioned the 3rd of August.

THE MARQUESS OF SALISBURY: I certainly never said that the Russians had a right to protract the evacuation for three months.

THE EARL OF BEACONSFIELD: The noble Duke then goes on to complain very much of the manner in which he and his Colleagues and Friends have been treated, not in, but out of this House, and, in so doing, he exhibited that sensitiveness which I have already more than once observed is peculiar to the present Opposition. On this point, I did not think that the evidence of the noble Duke was adequate to the occasion. He quoted an extract from a speech of my noble Friend, and he also quoted from the anonymous correspondent of an unknown Society, the name of which I did not catch. But, my Lords, when a subject of this character is brought before your Lordships on a solemn occasion, are charges such as these of the noble Duke to be alleged as charges against Her Majesty's Government? I do not myself much care what people say about me, and I have not much time to make remarks about others; but, certainly, some distinguished Members of Her Majesty's Opposition have appeared in different parts of the country, and, by the elaborate expositions they have made, seem to have spared no time in the preparation of their attacks upon Her Majesty's Government. Upon that subject I will say nothing further than this—I make no charge against either of the two noble Lords the Leaders of the Opposition in either House of Parliament. Their conduct has at all times,

throughout the critical four years to which the noble Duke has drawn attention, been such as was to be expected from gentlemen and distinguished statesmen who felt the responsibilities of their position. That, however, cannot be said of all the Members, nor even of all the distinguished Members, of the Party. Although I shall notice nothing of a merely personal nature, I must say that it is much to be regretted that, after so solemn an act as the Treaty of Berlin, of which we have heard so much already to-night, and of which I must myself say something, had been executed—after so solemn an act, and when united Europe had agreed to look upon that Treaty as some assurance for the maintenance of peace and for the general welfare of the world, that certain Members of the Opposition should—not once, or twice, or thrice, but month after month—habitually declare to the world that the Treaty was utterly impracticable, and have used such external influence as they might possess, to neutralize its action, and throw every obstacle and impediment in the way of carrying it into practical effect. Look at the probable result of such action. If statesmen such as these have pledged their opinion over and over again that a Treaty is impracticable, and they after become responsible Ministers, they will be called upon by those who do not wish the Treaty to be fulfilled to carry their opinions into effect.

"Then," says the noble Duke, "I come now to business. You have negotiated a Treaty, but what have you done for Turkey?" And the noble Duke for a considerable time—for more than half-an-hour—made an impassioned appeal to the House, with a view of showing us what ought to have been done for Turkey. From a Minister responsible, I believe, for the Crimean War, such a speech might have been expected—and, in fact, the strongest part of the oration of the noble Duke was an impassioned argument in favour of going to war with Russia in order to preserve the settlement made at the end of the Crimean War. "Well," says the noble Duke, "What have you done? See the losses to Turkey which you have brought about. There is Batoum, a most valuable harbour, which, whatever may be the engagement they have made by the Treaty of Berlin, will be fortified by the

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Russians. Do you mean to say, if you had acted with sufficient vigour with your great Fleet in the Black Sea, aided by the powerful Fleet of Turkey, that you could not have prevented Russia taking Batoum?" Well, no doubt, we could have prevented Russia taking Batoum, as we prevented Russia taking Constantinople. But the point is this—is the noble Duke prepared, or was he prepared, to go to war to prevent Russia taking Batoum—a port which, with derision, the noble Duke describes as one which Russia has made a free port, and with that we, the English Plenipotentiaries, were satisfied. But the noble Duke quite forgot to say that it was not only made by the Treaty of Berlin a free port, but a port essentially commercial—words which have some meaning, and which the Signatories of the Treaty of Berlin will always remember. The noble Duke says, also—"I can see what will happen in Batoum. It will be a free port, but a fortified one. It will be a strong place, and will control the commerce of Persia." But all this was said long before even the Crimean War—all this was said of the Treaties of 1828 with regard to the harbour of Poti. The very same expression was used, and England was warned that, by obtaining the harbour of Poti, Russia had obtained such a commanding position that the Black Sea would be entirely at her mercy. The noble Duke quite forgot to tell us this—that under the Treaty of Berlin the finest port in the Black Sea, the port of Burgas, was restored to the Sultan. This the noble Duke, who is so candid, omitted to bring to your Lordships' recollection. "Well," then says the noble Duke, "how can you reconcile yourselves to the fact that you have agreed to the destruction of the Danubian fortresses—that Quadrilateral of the East which would have commanded the Danube?" One would suppose, from the way in which the noble Duke had spoken to-night, that there had never been any war between Russia and Turkey—one would suppose that Turkey had never been utterly vanquished, and that the Armies of Russia had never been at the gates of Constantinople. All must be arranged as the noble Duke would have arranged it upon this Table. Surely the claims of Russia were something. Russia, whether right or wrong, had to be con-

sidered. However we might approve or disapprove the *casus belli* and the policy of the war, whatever differences of opinion there might be upon these and similar points, no one could deny for a moment that Russia had completely vanquished Turkey; and to suppose, in these circumstances, that everything was to be left exactly in the same position as at the beginning of the war is an assumption which I think your Lordships will agree is not a very reasonable one. But look at the merits of the case. These fortresses, under the new disposition of territory, would have become Bulgarian fortresses, our policy being to maintain the Turkish Empire—a policy, allow me in passing to remind your Lordships, which is universal in Europe, because every one of the Great Powers who have signed the Treaty of Berlin agreed in this one point—that there was no substitute for the Turkish Power, and that that Power, though it might be reduced, should still be substantially maintained. Were we, then, to leave in the new Bulgarian State this powerful Quadrilateral to menace the Turks and to weaken their authority? Why, of course not. "But," says the noble Duke, "the proposal to destroy these fortresses was made by the Russians themselves." It matters little, but I believe the noble Duke is inaccurate in that respect. The proposal to destroy the fortresses of the Quadrilateral was not a new one. It had been made on previous occasions, and it was always put forward by Russia herself as a concession, and in order to show that the Russians themselves did not wish to obtain these powerful strongholds. Then, says the noble Duke—"You have by the Treaty of Berlin, which is but a revised edition of the Treaty of San Stefano, established Servia as an independent State, and increased its territory!" But the situation of Servia before the war with reference to its connection with the Porte was one of virtual independence. The Porte certainly was the Suzerain, and possessed a claim to a very small tribute—in reality a nominal one, for it was never paid. To pretend that the public acknowledgment of the independence of Servia was a great blow to the Turkish Power, which it was our policy to maintain, is really trifling with so serious a subject

as that which is now before your Lordships. Fourthly, the noble Duke says that of all the mockeries by which we have deluded the people, who are, according to him, so easily deceived, the greatest mockery is the arrangement made concerning Roumelia. The Sultan, according to the noble Duke, has no more to do with Roumelia than he has with Roumania itself, and he compares its position with that of the Turkish Power when she was permitted to occupy the fortress of Belgrade. But the noble Duke forgets the fact that, by the Treaty of Berlin, the political and military authority of the Sultan in Roumelia is not only asserted, but secured. It is not simply that he has the right—a right which, no doubt, he will find an opportunity as early as possible of exercising—of occupying the Balkan chain; nor is it simply that he has the power of occupying Burgas, the most important port in the Black Sea. Although we have secured autonomy for Roumelia, and although she has got the blessing of a scheme of local government, which I trust will soon be tried, and which apparently—so far as I can judge—is admirably adapted to the circumstances of the case, the political and military authority of the Sultan is not only asserted, but secured. The noble Duke says that Roumelia is to have a Militia and *Gendarmerie* of her own; but he forgot to state the conditions, in accordance with which, all the officers of the Militia and *Gendarmerie* must be appointed by the Sultan, and hold their commissions from him. Well, these are the different points by which the noble Duke has endeavoured to show that, as regards the settlement of Berlin, the interests of Turkey and of the Sultan have been neglected and injured by Her Majesty's Government. My Lords, when the noble Duke first gave his Notice, his intention was to call the attention of the House to the results of the foreign policy of Her Majesty's Government in Europe and Asia. Well, yesterday, we heard from the noble Duke that he would confine himself to the past and not trench upon the future. But how you are to judge of a policy, if you are not to treat of the future which is to be the result of that policy, I really find some difficulty in comprehending. If the noble Duke will allow me to say so, when he talks of a "policy," policy

depends, of course, upon the circumstances to which the conduct of responsible men is applied. Let us take a larger and more candid view than the noble Duke has taken of those important matters of four years' duration in the East. What led to this Treaty of Berlin? It was four years ago, the noble Duke reminds us, when certain disorders first arose among the border-populations of Turkey in Europe. After months of disorder, during which there were communications between the Powers, there came the famous instrument called the Andrassy Note. That was in December, 1875, and was the commencement of these diplomatic campaigns and wars. I am sure your Lordships do not wish to hear much about the Andrassy Note; but I believe the noble Duke has completely misapprehended the whole situation—the conduct of Her Majesty's Government, and the principles on which their policy was established. The Andrassy Note was a very elaborate mode of ameliorating the subject-populations in European Turkey. Well, the first feeling of Her Majesty's Government was not to accept that Note. They remembered their engagements under the Treaty of Paris, and they knew the danger which might occur from again disturbing the settlement then made. But, my Lords, when we investigated that document, we found really that the Porte was not called upon to make any concession or to enter into any engagement which they had not by previous *irades* themselves undertaken to concede and to act upon. Well, it is possible that our fear of contributing to the disturbances in Europe might have prevented our even then acceding to that Note. It was at the solicitation of the Porte itself, when it heard that there was a possibility of England holding out, that we ultimately acceded. I believe, my Lords, that after the Andrassy Note there was a *bona fide* attempt on the part of the Porte to meet the difficulties of the case. But, consider what was the condition of affairs at that moment. Those disturbances were in the Border Provinces of the Turkish Dominion in Europe; the Central power was wonderfully relaxed; the Provincial administration was incompetent and corrupt; the Chiefs in the mountain districts were always at civil war and plundering

all their neighbours who did not resist them; and in this state of affairs it was thought some decided action should be taken; and after a few months a proposition was made in the form of the famous Berlin Memorandum, which if we had agreed to, we should have joined the other Powers in making war upon Turkey. We refused to do that; and Parliament and the country entirely sanctioned our declining to accept the Berlin Memorandum. My Lords, almost simultaneously with the introduction of the Berlin Memorandum there occurred the assassination of the European Consuls at Salonica. Soon afterwards there came a revolution in Constantinople, the deposition of the Sovereign by force, and other circumstances of the most painful nature, which I need not recall to the recollection of your Lordships. Well, after this came the Bulgarian insurrection; and after that the Servian declaration of war against Turkey, which ended in the complete defeat of Servia by Turkey. Then what did Her Majesty's Government do? It was at that time, when Russia, having interfered, in consequence of the prostrate state of Servia, with her Ultimatum, and by her menace forced Turkey to make peace, or grant an armistice equivalent to peace, with Servia—it was then that Her Majesty's Government came forward with a proposition which became celebrated, and that was to establish autonomy in those Provinces which had been so long the scene and theatre of this reckless misgovernment. And then the noble Duke says that our conduct has been such that we have necessarily lost the affections and confidence of the then subject-races of Turkey. My Lords, it was my noble Friend on the cross-Benches (the Earl of Derby) who had the honour of making these distinct propositions with regard to Bosnia and Herzegovina which were ultimately to be applied to Bulgaria. And let me remind the noble Duke, who speaks of us as on all occasions neglecting the interests and not sympathizing with the fortunes of the Christian races, that we were the first Government that laid down the principle that the chief remedy for this miserable state of affairs was the introduction of a large system of self-government, and, above all, of the principle of civil and religious liberty.

My Lords, I am obliged, on an occasion like the present, to very much curtail remarks which I would wish to place before you; but it is necessary, after the speech of the noble Duke, that I should remove impressions which are absolutely unfounded—that I should recall to your recollection what are the principles on which the policy of Her Majesty's Government is founded, and show your Lordships that the noble Duke has entirely mistaken that policy. He has—unintentionally—placed before you a description of affairs utterly unreal, imputed to us motives which we never acknowledged, and conduct and feelings towards others which we never shared. Now, has there been any inconsistency in our policy? When war between Russia and Turkey was so imminent that it was a question of hours, my noble Friend upon the cross-Benches (the Earl of Derby) proposed that there should be a Conference at Constantinople, at which my noble Friend near me (the Marquess of Salisbury) should be our Plenipotentiary. Has the noble Duke, who studies these matters—who not only makes long speeches, but writes long books about them—has the noble Duke ever heard, or has he forgotten, the Instructions given to my noble Friend near me by my noble Friend on the cross-Benches—Instructions as to the course he was to pursue at the Conference at Constantinople? I cannot, my Lords, venture to refer to those Instructions which lie before me at any length; but I may remind you of some of their salient points. In one paragraph my noble Friend was instructed that it became requisite, in the then crises, to take steps, by an agreement between the Powers, for the establishment of reform in the Turkish Provinces which would combine the elective principle with external guarantees for efficient administration. Then the means are indicated by which that state of things might be brought about. Well, my Lords, that is but a specimen to show the purport of those Instructions, which completely mastered the application of the principle of autonomy; and no Government in Europe at this Conference was so ready, so prepared, or so practical in its propositions by which the welfare of the subject-races and a general reform of the administration of Turkey could be effected as was the Government

of England, so represented at the Conference by my noble Friend. And yet the noble Duke comes down here and makes an inflammatory harangue, and speaks of the deplorable consequences which he fears will arise—that we have lost for ever the confidence and affection of the subject-races of Turkey by our utter disregard of their feelings and neglect of their interests. Why, my Lords, if I were to read to you this Minute of my noble Friend near me of the proposition which he himself made as regards Montenegro, Servia, Bosnia and Herzegovina, and Bulgaria, and the reforms that might be established in all the Provinces of Turkey, you would see that at the Conference of Constantinople he endeavoured to have carried into effect, as much as he possibly could, the policy we had laid down, both in the Instructions given to my noble Friend, and in the propositions for establishing autonomy in Bosnia and the Herzegovina which were made by my noble Friend on the cross-Benches some months before. Well, my Lords, you know very well what occurred. We failed—not England only—but Europe failed in preventing war. Our objects were two-fold. We wished to maintain Turkey as an independent political State. That was the common opinion of Europe. It is very easy to talk of the Ottoman Power being at the point of extinction; but when you come practically to examine the question, there is no living statesman who has ever offered, or pretended to offer, any practical solution of the difficulties which would occur if the Ottoman Empire were to fall to pieces. One result would probably be a long and general war; and that alone, I think, is a sufficient reason for endeavouring to maintain as a State the Ottoman Empire. But, while holding as a principle that the Ottoman Empire must be maintained, we have always been of opinion, and held it as a principle of English policy, that the only way to strengthen it was to improve the condition of its subjects. My Lords, I do not say this out of vague philanthropy, or any of that wild sentimentalism which is vomited in society which is sometimes called political. No, my Lords, it was our conviction that that was the only means by which the maintenance of the Ottoman Empire could be secured; and we have acted accordingly. Until

the war commenced we consistently endeavoured—first, to prevent war, and, secondly, to ameliorate the condition of the subject-races of the Porte; and when the war took place, we determined that when peace was negotiated it should not be negotiated without the knowledge and sanction of Great Britain. We are told, my Lords, that the Treaty of Berlin did nothing for the Sultan. Looking to the first object of our policy—which was the maintenance of the Sultan—let me show what our signature to the Treaty of Berlin produced as regards the political position. Bulgaria was confined to the North of the Balkans, instead of the arrangement that was made under the Treaty of San Stefano; Thrace, Macedonia, and the littoral of the *Ægean* were restored to the Sultan; the Slav Principalities of Servia and Montenegro were restricted within reasonable limits; the disturbed districts of Bosnia and Herzegovina were placed under the administration of Austria, which was thus offered as a barrier to Slav aggression; and Eastern Roumelia was created with an organic Statute which, if wisely accepted by the people of that Province, ought to make them one of the most prosperous communities in the world.

The noble Duke tells us that the Treaty of Berlin is a political imposture, and that we are found out. Let me place before your Lordships very briefly what was the state of affairs effected by the Treaty of San Stefano, and what was the state of affairs effected by the Treaty of Berlin—remembering that the noble Duke dinned into our ears that the Treaty of Berlin was but a copy of the Treaty of San Stefano. At the time the Treaty of San Stefano was signed the Russian Armies were at the gates of Constantinople. They occupied the greater part of the East and North of European Turkey. A vast Slav State was to stretch from the Danube to the *Ægean* shores, extending inwards from Salonica to the mountains of Albania—a State which, when formed, would have crushed the Greek population, exterminated the Mussulmans, and exercised over the celebrated Straits that have so long been the scene of political interest the baneful and inevitable influence of the Slavs. That was the state of affairs when the Treaty of San Stefano was signed; and the British Government, with great difficulty, but with equal

determination, succeeded in having that Treaty submitted to the consideration of Congress—the Congress of Berlin. And what were the results of that Congress? I have placed before your Lordships the main features of the settlement of San Stefano. Let me now place before your Lordships what were the results of the Treaty of Berlin. In the first place, the Russian Armies quitted their menacing position at the gates of Constantinople. That City, notwithstanding many promises, was not entered. The Russian Armies gradually retired, and at last quitted Adrianople and all that district, and they are now evacuating Bulgaria and Roumelia in consequence of the Treaty of Berlin. Bulgaria itself, by the Treaty of Berlin, becomes a Vassal and tributary Province of the Porte. Eastern Roumelia becomes a Province governed by an organic Statute which secures local representation, provincial administration, civil and religious liberty, and many other conditions and arrangements which it would be wearisome now to enter into, but which some day, and shortly, I am sure your Lordships will read with interest. The condition of Crete was very unsatisfactory and perplexing, but it was met by an organic Statute which has the sympathy of the whole population. Montenegro, by the Treaty of Berlin, got that accession of territory which really was necessary to its existence, and that access to the sea which was necessary to its prosperity. Serbia obtained independence by fulfilling the conditions of the Congress of Berlin—that the independence of no new State should be acknowledged which did not secure the principles of religious liberty in its constitution; and Roumania also would have been equally acknowledged, had not difficulties arisen on that subject; which, however, will be overcome, I have reason to believe, and which certainly England, and no doubt the other Signatories of the Treaty of Berlin, will endeavour to overcome. Well, my Lords, I think, after that, it cannot be said that the Treaty of Berlin is a mere copy of the Treaty of San Stefano. I think, after that, it cannot be denied that it is one of those great public Instruments which, in all probability, will influence the life of Europe, and possibly have an even more extended influence for a considerable time. I look upon it as an Instrument which has in

it that principle of evolution which we hear of in other matters equally interesting. I believe it will not only effect the reforms which it has immediately in view, but that it will ultimately tend to the general welfare of mankind. The noble Duke laughs at the idea of our effecting any beneficial change in the administration of Asia Minor. Well, my Lords, there is nothing difficult or great that is not laughed at in the beginning. The noble Duke is not the man whom I should have thought would have discredited the attempt that is making. But nothing has been done in this direction, says the noble Duke. Well, in the first place, if the noble Duke supposes that the regeneration of Asia Minor is to be like the occupation of Bulgaria, an affair of nine months, he entertains views of Oriental life and character which I venture to deny. But are there are no symptoms of change, and change for the better, even in Asia Minor? I think the fact that an eminent statesman like Midhat Pasha has been recalled from exile and appointed Governor of Syria—the first Governor appointed for a term of years which cannot be capriciously reduced—is one on which we may congratulate ourselves; and I have reason to believe that the influence of that statesman on his Government is not slight. We must also remember that, under the Treaty of Berlin, there are a variety of Commissioners of Demarcation settling the boundaries of the different States and Provinces, and so carrying out a work of incalculable value. That, also, is being accomplished in consequence of that Treaty. The noble Duke has, through his attack on the Government, made a warlike speech. He has told Turkey that she has in us an Ally on whom she cannot depend. He has told Russia that she has only to pursue her policy of aggression, and that it will be accepted by the English Government. And, as far as I can understand him, the noble Duke does not treat with any disapprobation the policy of Russia in that respect. Now, I wish to speak in another tone, but a sincere one, in regard to Russia. I think I can, as an English Minister, appeal with pride on behalf of my Colleagues and myself to the fact that those great results in regard to the policy which we recommended were, perhaps, not uninfluenced by the presence of a magnificent British

Fleet in Eastern waters, and by the firm tone in which Her Majesty's Government communicated with St. Petersburg. Notwithstanding, I willingly acknowledge there has been, on the part of Russia, a spirit of wise forbearance, and I believe that she is sincerely anxious to bring about in that part of the world which has been the scene of all these disasters and distressing circumstances a state of affairs which, not only for her own sake, but for the sake of all, we should assist her in bringing about. My Lords, I feel I have trespassed on your attention; but the noble Duke made so serious and so elaborate a charge upon the Government that it was impossible for me to be silent. I have not, perhaps, said many things I ought to have said, and I may have said some things which I ought not to have said; but this I know—the noble Duke says we are a most powerful Government; but, says he, "If you are a most powerful Government, it is only because you are powerful in Parliament." Well, that is a state of affairs which it is not very easy to parallel in the history of this country. I know that in Opposition men indulge in dreams. I have had experience of Opposition, and I hope it has left me, it may be a wiser even if a sadder man. I know that there are mirages that rise up before the political eye which are extremely delightful and equally deceptive; and I say, knowing of what materials the Parliament of England is formed, knowing whom I address now, and knowing who sit in the other House, where I was once their companion, I cannot but believe that the large majorities which the noble Duke has dwelt upon have been accorded to the present Government because it was believed they were a Government resolved to maintain the fame and strength of England.

THE EARL OF KIMBERLEY said, that in whatever way the Conference of Constantinople was looked at, it must be admitted to be a failure, and that the result had been to put a weapon in the hands of Russia. We should have found some common mode of action in regard to the affairs of Eastern Europe and Asia; instead of which, the policy of Her Majesty's Government had placed in the hands of Russia to carry into effect the resolutions of the Conference of Constantinople. He had always maintained that we should never have

gone into the Conference unless we were prepared to insist upon the Sultan carrying out what the European Powers desired. But we did nothing of the kind. We left the execution of our resolutions to Russia, and so strengthened the hands of her enemy. The noble Earl the Prime Minister had accused the noble Duke (the Duke of Argyll) of advocating a warlike policy; but, as he understood the noble Duke, his meaning was this—there was one of two courses open; either they must pursue the policy of the Crimean War, and support the Ottoman Empire against its enemies by force—or they must recognize the fact that, after a long trial, the Crimean War policy had broken down, and some other means must be taken to secure, if possible, their interests in the East. Noble Lords on that side of the House had also been accused of favouring the projects of Russia. On the contrary, they did not take into consideration what were the interests of Russia—the only question they looked to was what was for the interests of this country, and how they could best be maintained; and what they complained of was, that Her Majesty's Government, after laying down certain principles, had allowed Russia to carry them into effect; and in the name of those principles Russia had used force, and had weakened the Ottoman Empire by the course she had adopted. The British Fleet was ostensibly sent to the Bosphorus for the protection of British subjects, and it might possibly have strengthened the Turks in their determination to resist Russia, but he did not think it produced any effect on the situation beyond, perhaps, causing embarrassment to this country. He differed from the noble Earl in regarding the erection of Servia into an independent State as a trifling matter. Servia represented a considerable nationality and great interests in that part of Europe; and although the complete independence of Servia might not diminish the direct resources of the Porte, it dealt a moral blow at the position of the Ottoman Empire, and it enabled the new State to negotiate directly with foreign Powers. No one could deny the importance of the change made by erecting Bulgaria into a semi-independent Principality. No doubt, now that Bulgaria was practically independent, it was an advantage to the Porte that the

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Hungarian fortresses should be razed; but was fallacious to look at the action of a particular period. What his noble friend (the Duke of Argyll) had done was, by looking at the general results of war and of our policy, to compare the position of the Ottoman Empire when these great transactions commenced with the position in which it is now. The noble Earl had referred Roumelia, and stated that it remained under "the direct political and military authority" of the Sultan. This was, no doubt, the phrase used in the Treaty, but it was no more than a mere phrase, and the Plenipotentiaries must have laughed in their sleeves when they wrote down. What was this direct political and military authority of the Sultan? It consisted in this—that the Governor General was to be a Christian appointed by the Porte, but with the assent of the Powers. That was the "direct political authority" of the Sultan—his direct authority was limited by the assent of the Powers. Then as to the direct military authority of the Sultan, the Porte was not to interfere in the military administration of the Province, except at the invitation of the Christian Governor General. He believed they could be very fortunate if they had not provided in these Articles a new source of anxiety, perplexity, and danger to the Porte. Bosnia and Herzegovina were taken away from the Porte: how could that be considered an advantage to Turkey?

THE EARL OF BEACONSFIELD said, he had not represented that as an advantage to Turkey, but that the arrangement made with Austria was satisfactory to Turkey, and that was an advantageous arrangement for which they were indebted to the Treaty of Berlin.

THE EARL OF KIMBERLEY said, he regarded it as a source of satisfaction that Austria had advanced in that direction; but, looking at the whole result of the Ottoman Empire, no one could doubt that the severance of this large province was a misfortune to Turkey. It was said that in Asia Minor there was a prospect of considerable reforms being effected; but the noble Earl said they could not be effected in the short period of nine months. It was not a question of nine months—there had been a period of 20 years since the Treaty of

Paris, and during that 20 years not only had no progress been made, but there was unmistakable evidence of retrogression. They had now given a new guarantee of Turkish territory, stipulating that it should be accompanied by reform of the Turkish administration. He utterly disbelieved in such reforms being effected. They might be talked about or negotiated about, but he did not believe in their execution. Let their Lordships observe our position under the Article which provided for reforms in Armenia. The Porte was periodically to make known the measures taken in the way of reform to the Powers, who were to superintend their execution. Were the measures taken to prevent the aggression of Russia to be jointly superintended by Russia and ourselves? Russia was entitled, jointly with us, to superintend the reforms to be made. That was one of the most extraordinary stipulations he had ever heard of in any Treaty. He had no expectation whatever that the Treaty would be carried into effect—the thing could not be done—but he looked with apprehension to the position which this country would occupy hereafter when the Treaty was a dead letter. That position would not be an honourable one. His noble Friend (the Duke of Argyll) had said that he saw no reason to be dissatisfied, on the whole, with the results of the Treaty of Berlin. But what did his noble Friend mean? He meant that the results of the Treaty, so far from being what the Government had put forward for the admiration of Europe and the gratitude of this country—namely, the preservation of the independence and integrity of Turkey—had, on the contrary, been in the direction indicated by the opponents of their policy. They (the Opposition) did not wish that Russia should put her foot on the neck of Turkey—what they did wish was, that Her Majesty's Government with Russia should so co-operate in promoting the happiness of the populations as to secure the gratitude of the Christian States which would succeed to the Ottoman Empire.

THE MARQUESS OF SALISBURY: My Lords, I should have preferred not to make any observations in this debate, and I do not know that I need trouble you at any length, for I think that to the least practised Member of your Lord-

ships' House it will be obvious that, in the speech which he has made, the noble Duke (the Duke of Argyll) was only flogging a dead horse. I must say, however, that I look with some alarm on the precedent the noble Duke has set. If every distinguished Member of this House who spends his winter on the shores of the Mediterranean thinks himself entitled to make, when he comes back, all the speeches he would have made had he remained at home, I fear the time left at our disposal will be very limited. My Lords, the noble Duke commenced by saying that his sensitive nerves had been much afflicted by the bad language which noble Lords sitting on these front Benches have used, and dwelt upon the language which he thinks they ought to use—and then he proceeded to give an example of it. After rebuking us for the harsh nature of the remarks that some of us have addressed to him, he said that we had “duped the English people;” that we had been “guilty of political misdemeanours;” that we had been “guilty of political cowardice;” that we have been “shuffling with our public engagements,” and “double-dealing with the Native Princes;” and that, compared with us, the Native Princes, Hindoo and Mahomedan, were fair-dealing and truth-telling people. I think, after that catalogue of flowers of oratory, we are still in debt, and that if the balance is to be struck there is still a large amount of bad language due from this side of the House to the other. Indeed, if we take into account all that has been said, not by irresponsible Members of the other House, but by Members of weight and position—Members of the late Government—I think there will be a perfect bankruptcy on our side. I am not going to attempt to make up the deficiency. I acknowledge that we are greatly in debt, and I feel that it would be impossible for me in that respect to compete with the noble Duke; but I would wish to justify in the calmest language I can command my observation that the noble Duke did execute “a very sharp curve” in the autumn of 1876. More than once the noble Duke has, in this House, represented that the Crimean War was undertaken with a view to give Turkey, more than 20 years ago, an opportunity of reform. I remember the debates at that period—it is rather hard

work, but I have refreshed my memory on the subject, and examining the speeches of the noble Duke, who was then a responsible Minister, and those of Lord Palmerston, as well as those of other leading men, I cannot find a trace of the theory that the Crimean War was undertaken for the purpose of giving time for Turkey to reform. It was undertaken for the purpose—for the sole purpose—of repelling the aggressions of Russia on the Ottoman Empire.

THE DUKE OF ARGYLL: I have never stated that it was undertaken for the purpose of giving Turkey time to reform. I said that Turkey had had that time to reform.

THE MARQUESS OF SALISBURY: When the Tripartite Treaty, so definite and distinct in its provisions, was concluded which bound England, in conjunction with Austria and France, to defend the independence and integrity of Turkey, no hint was given that it was to depend upon Turkey progressing in the path of reform. On the contrary, that idea about the reform of Turkey was introduced, apologetically as it were, to calm the apprehensions of Mr. Cobden and to soothe the nerves of Mr. Milner Gibson, but was never held out as the object of the Crimean War. But I will cite a Member of the Government at that time, who was responsible for the Crimean War, and who will, least of all, be suspected of bellicose instincts. Mr. Gladstone said—

“With respect to the objects for which the war had been undertaken, it appears to me that my right hon. Friend has quite misunderstood them in the construction which he gives to the terms ‘independence and integrity of the Ottoman Empire,’ and to the guarantee of that independence. I apprehend, what we sought to secure by the war was not the settlement of any question regarding the internal government of Turkey. . . . The juxtaposition of a people professing the Mahomedan religion with a rising Christian population having adverse and conflicting influences presents difficulties which are not to be overcome by certain diplomatists at certain hours and in certain places. It will be the work and care of many generations—if even then they were successful—to bring that state of things to a happy and prosperous conclusion. But there was another danger—the danger of the encroachment upon, and the absorption of, Turkey by Russia, which would bring . . . such a danger to the peace, liberties, and privileges of all Europe—that we were called upon absolutely to resist by all the means in our power.”—[3 *Hansard*, cxlii. 95-6.]

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That was the language of Mr. Gladstone in 1856. There was no talk then of "bag and baggage." But what I wish to insist upon is this—that those Ministers who were responsible for maintaining the integrity and independence of the Turkish Empire by war maintained that policy through the 14 years that elapsed up to the time when the Franco-German War broke out, and they were called upon to examine the results of the Crimean War and the work of 1856. They then confirmed deliberately everything done and stipulated in 1856 without a single word about these reforms of Turkish institutions which, five years later, seemed to them so all-important. The noble Duke said it was the business of the Opposition to oppose. Of opposition in this House I should not complain; but what was the history of the year 1876? In June, 1876, if one of those dictionaries of contemporaries, which are published now-a-days, had occasion to describe the opinions of the noble Duke, it would have said that he was one of the authors of the Crimean War, the object of which was to defend the independence and integrity of Turkey against the designs of Russia: and that so far he had not altered his opinions. That was the case up to June, 1876; there was scarcely a hint given, either by him or by Mr. Gladstone, of any modification of opinion until Parliament separated. But when Parliament separated, and it was no longer possible to summon it, then arose that tremendous "Bulgarian Atrocity" agitation, which was dictated, I fully believe, as regards those who were, in the first instance, responsible for it, by the purest and most unmixed feeling of philanthropy and humanity. But what was done by the Opposition of that day is something unique in our history. At the moment when this country seemed threatened by a foreign Power, and when it was impossible to ascertain by a Constitutional test what the opinion of the country was, they produced a false impression of that opinion by plunging the country into a tremendous agitation by which they tried, without success, to wrest the control of foreign affairs from the hands of Her Majesty's Government, and, unfortunately, with more success, to impress upon foreign Powers the conviction that the policy of the Crimean War was abandoned and that England

would witness the destruction of Turkey unmoved. Mr. Fox was deeply blamed because he sympathized with and supported those who were in arms against his country; but, at least, Mr. Fox differed from some of his later disciples, in that in so doing he was supporting opinions which through his whole life he had maintained. We complain, not only of a conversion right round, and of a conversion at a critical moment, but of a conversion which was so timed that it produced a fatally misleading impression upon foreign Powers—an impression which it was materially impossible for the Government at that moment to counteract. I do not for a moment suggest that these things were intended by the noble Duke and the right hon. Gentleman (Mr. Gladstone); but I do suggest that they allowed their Party passions utterly to blind their prudence as statesmen. I feel confident that, but for the unhappy part taken at that time, we had good hopes of persuading Turkey in the first instance, and Russia in the second, to a wiser course than that which they ultimately pursued. The noble Duke has seasoned his discourse with sundry flowers of oratory principally directed against me. I cannot entirely pass by the accusations he has made, although they refer to matters which are *res judicata*, which have been submitted to both Houses of Parliament, and decided over and over again in both Houses of Parliament, by overwhelming majorities. In the first place, the noble Duke, in reference to the Asiatic matter, accused us of deliberately insulting all the Mahomedan subjects of the Queen. I cannot conceive where he gets the foundation for that accusation. We distrusted undoubtedly—and we deeply distrusted—a particular Native Agent who was at that time employed at the Court of Cabul. I am not sure whether he is alive or dead; but he is, at all events, an absent man, and it is not necessary for my argument that I should explain why we distrusted him. It is sufficient for me to state that that was the case; but I never said anything to show that I distrusted the honesty of the other Mahomedan subjects of the Queen. There are two grounds on which Natives were unsuitable for Agents at such stations as Herat and Candahar. In the first place, they were not impartial. I do not mean that they were not impartial as between the Ameer and the British Go-

vornment, for I do not think there was much danger in that respect. They were, however, placed on the confines of Afghanistan, and, among other places, at Herat, which is on the confines of Persia and Afghanistan. As everyone knows, the Mahomedans are divided into two sects, who feel so bitterly towards each other, that a member of one sect would not be a very suitable Agent for the purpose of determining differences which might arise between them. I do not wish to dwell very much on that point, although it was a consideration which weighed with us. But there was a very much more important consideration. The principal danger which we wanted to avert by placing British Agents in Afghanistan was—and there is no reason to conceal it—connected entirely with the aggression of a European Power. Well, which was the most likely to act efficiently and intelligently to fulfil our orders as we desired them to be fulfilled and to obtain the information which it was valuable for us to secure—which was most likely—a European or an Asiatic? Obviously, it was only a European who could understand the position as it existed between England and Russia, and who could obtain for us the information and exercise the influence which would be a real security to us. Therefore, I repudiate as entirely unfounded the idea that, in preferring an English to a Native Agent at Candahar and Herat, we expressed any sentiments which were insulting to the vast majority of Her Majesty's Mahomedan and Hindoo subjects. I must further add that, unless such a charge was so absolutely certain as to make it necessary to bring it before Parliament, I cannot conceive any conduct less likely to be advantageous to the Public Service than that of the noble Duke in discussing such a matter in this House. The very considerations which ought to have prevented him from mentioning it prevent me from enlarging, as I should otherwise do, on what I regard as the dangerous tendency of his conduct. Then we are said to have "shuffled with Treaties," as the noble Duke described it in his mild language. The shuffling with Treaties arises from the fact, according to him, that we urged the admission of British Agents to Afghanistan, although we had, by the Treaty of 1855, promised Dost Mahomed that we would not do so.

Well, it is said in that Treaty itself, with regard to then pending negotiations with Persia, that—

"British officers, with suitable establishments and orderlies, shall be deputed, at the pleasure of the British Government, to Cabul, or Kandahar, or Balkh, or all three places, or wherever an Afghan Army may be assembled to act against the Persians."—[*Afghanistan*, No. 1 (1878), p. 2.]

It is then said that a subsidy should be given to the Ameer, and that whenever the subsidy ceased the British officers should be withdrawn.

THE DUKE OF ARGYLL: Withdrawn from what?

THE MARQUESS OF SALISBURY: From the Ameer's country. That was a provision made for sending British officers to the Afghan Army at one particular crisis when it was engaged in a campaign against Persia; and yet the noble Duke quotes it as a Treaty binding us for all time not to urge the admission of British officers as Agents within the dominions of the Ameer. If there has been any shuffling used in the course of this debate, I submit that it has been used by the wrong party. Then comes the charge of double-dealing with the Ameer. I am totally unable to understand on what that charge rests. The noble Duke cites my secret Instructions to Lord Lytton, and says I desired him to give "a dynastic guarantee" to Shere Ali. There is nothing about a dynastic guarantee in my Instructions. All I said was that we should be glad to make certain propositions for the purpose of assuring the Ameer with respect to the succession of his heir Abdoolah Jan. The proposition which was made was of a limited character. It was a perfectly straightforward and honest proposition, and I cannot conceive how it can be liable to the imputation of double-dealing. Again, I must protest against the treatment which Lord Lytton has received to-night. Of course, I am not here to say that his conduct is not to be canvassed, that his acts are not to be examined, and that Her Majesty's Government are not to be censured if necessary. But to impute to him acts of a dishonourable character—for it is nothing less which the noble Duke did—in reference to a matter which has already been decided by both Houses of Parliament, and which has really passed into the domain of

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history, can serve no possible purpose, except to wound Lord Lytton in the distant discharge of his difficult and delicate duties, and to injure the respect in which he is held by both Natives and Europeans in India. It seems to me that such a proceeding as that is an abuse of the liberty of speech which the Houses of Parliament practice—an abuse which is damaging to the reputation of this country, and dangerous to its greatest and highest interests abroad. I think there is nothing further for me to say in respect to India except this. The noble Duke deprecated India being asked to pay for any costs of the Afghan War, because we had practically admitted that Afghanistan was perfectly indefensible, and we had shown it by the ease with which it had been overrun. It was not the military question of the defence of Afghanistan which was mainly in our minds when we adopted our recent policy. It was not on military grounds that we objected to the reception of the Russian Mission and the exercise of Russian influence in Afghanistan. It was because we were not prepared, if Afghanistan were closed to ourselves, to see it made the base for such diplomatic operations as those which have in recent times been conducted in the Provinces of Turkey. If such operations were conducted from a base upon our own borders, it would have been an addition to our anxieties and our difficulties, and a peril to the tranquillity of India, which we should be justified in asking India to join with us in dissipating. With regard to Turkey, I must say a few words as to the constitution of Eastern Roumelia, to which the noble Earl who spoke last (the Earl of Kimberley) referred. The noble Earl ridicules the possession of political and military authority there by the Sultan. The idea that we had in constituting Eastern Roumelia was that we should separate the internal government of the country, which it was shown, whether the Turks were wise or foolish, could not be conducted by them with that harmony which was desirable—that we should separate that from the functions of government relating to military defence. We were anxious to enable the people, as far as possible, to govern themselves: but as regards all external matters, as regards the defence of the country, as regards the prevention of insurrections or the prevention of invasion, we thought

that the direct authority should still be left to the Sultan. What provisions did we make for that purpose? The whole military authority of the country is in the hands of the Sultan. The Militia is to be commanded entirely by officers appointed by the Sultan, the gendarmerie is to be commanded entirely by officers appointed by the Sultan. If there is insurrection, the only troops which can be summoned are Turkish; these are to be summoned only at the instance of the Governor named by the Sultan; and the Sultan has the absolute right of occupying both the littoral parts of the Province and all its frontier. Therefore, for all external purposes, Eastern Roumelia is under the direct rule of the Sultan. I am aware that the Province will, as to internal affairs, be largely self-governed—but that was the distinction we desired to draw—the internal government is to be entirely in the hands of the people, while the foreign, political, and military relations are entirely in the hands of the Sultan. That, as has been said, is a state of things precisely analogous to the position of a British Colony. The same may be said of the other Provinces which we have rescued by the Treaty of Berlin from the great Slav State. The noble Duke appears to think that unless the Sultan is the absolute and despotic master, he can have no dominion worth speaking of either in Macedonia or in Eastern Roumelia. That is not our opinion. We feel that the Turkish Empire may remain as a comparatively limited Monarchy, although as an entirely absolute Monarchy it could not. The noble Earl who spoke last (the Earl of Kimberley) referred to a matter which is very germane to the present purpose, although it belongs to many years ago—I mean the junction of the two Principalities of Moldavia and Wallachia, and he said that he was opposed to the opinion of Lord Palmerston, who objected to their union. I was surprised that the noble Earl mentioned that instance, and mentioned it especially in reference to the creation of Native States. I remember very well a very brilliant speech made by Mr. Gladstone—I have a lively recollection of it, because it persuaded me to vote with him—in which Mr. Gladstone told us that the breasts of free men were the surest defence of nations, and that if only we would meet the wishes of these

people, and would allow them to combine, we should find this free, independent, healthy State the best bulwark against the aggressions of Russia. I am not here to discuss the conduct of Roumania; but I ask whether, on a review of the last three years, you are under the impression that Roumania has been an effective bulwark against the aggressions of Russia? I believe there is a great deal of loose talk about the power of these small States to resist the power of any great military neighbour. Many years must elapse before they can attain either the coherence or the actual material vigour which is necessary to enable them to fulfil any such function. And when I heard the noble Earl conclude his speech by telling us that we ought to have secured the gratitude of these people, and that we should be strong in their gratitude, I felt inclined to ask him to look back upon his own historical lore, and to give me any one instance—I have puzzled my brains to recollect one—in which a people have, moved by their gratitude for past favours, been led to take a political line against their own existing interests. I cannot remember a case of the kind. I do not speak of individuals. You may find Potentates who have it, but you will not find a people. I ask the noble Earl to look over the past century and to think who are the people who have fought with England, and who are those who have received gifts of blood and treasure from England for their defence—and then, glancing at the state of the world, to say whether those whom we have helped the most are now our best friends, or whether those whom we have opposed the most are now our most determined enemies. The whole idea is purely sentimental. It may animate poets and be a pleasant theme for historians; but to put it forward as a fact on which politicians and statesmen can found their calculations and confidently depend is, I believe, a mere chimera. With regard to the Ottoman Porte and the stipulations of the Treaty of Berlin, we were anxious to maintain the interests of the Porte, although it was not able to maintain its ancient boundaries. We felt that the surest hope of preserving its existence lay in placing a more limited strain upon its resources. We tried to preserve it, because it seemed to us to be one of the

most important barriers against a dangerous advance. And in desiring to place a bulwark against the increase of the Slavonic principle we thought we did wisely to look, not only to the Porte, but to Austria. I still entertain the opinion that that occupation of Bosnia and Herzegovina—although there is much in it that excites regret—is one of the most important results for the tranquillity of Europe which have been achieved. I believe the results that have been attained by the Treaty of Berlin have placed Turkey in a position in which, if she has still the elements of social vitality, as we think she has—if she has statesmen who are fitted to conduct her through this difficult crisis, are the arrangements which are best adapted to assure her a prolonged existence. We cannot revive the dead; and if the gloomy auguries that we hear on the other side are true, of course the efforts of diplomatists and statesmen are worthless. But we can at least give time for ascertaining whether these gloomy anticipations are correct, or whether there is not really that promise of the fulfilment of the brighter hopes that we have entertained, and, at all events, of postponing what will be one of the most terrible visitations that can befall the world whenever it shall occur. This result we believe the Berlin Treaty has achieved; and that it has been achieved without the shedding of a drop of English blood is a matter on which we may congratulate ourselves.

EARL GRANVILLE: My Lords, considering the thin attendance now in the House, as compared with the numbers who were present when my noble Friend the noble Duke (the Duke of Argyll) and the noble Earl at the head of the Government were speaking, I feel that it would be improper for me to occupy much of your time. The noble Marquess (the Marquess of Salisbury) thinks we are flogging a dead horse; but the objects we are flogging are Her Majesty's Government; and although I do not believe them to be immortal, I should certainly be sorry if they were already defunct. The noble Earl the First Minister administered a severe rebuke to the noble Duke for having alluded to past transactions in relation to Afghanistan, although the noble Duke had carefully avoided referring to matters bearing on the present negotiations—whereas the noble

Marquess has himself been guilty of the very fault he corrected in the noble Duke. The noble Earl said it was impossible for the Government to meet the noble Duke on that ground, because their mouths were closed; but the noble Marquess, on the contrary, got up and rushed at once into the part of the question connected with the placing of British Agents on the Frontiers of Afghanistan. The noble Marquess held that the Article of the Treaty of 1857 with respect to that point has nothing whatever to do with the question; but an examination of its terms, although I am no lawyer, convinces me that it has everything to do with it, as your Lordships may see for yourselves by reading the Treaty. There has been a good deal of something like banter—and I do not object to it—as to the violence of the language that has been used. All I can say is this—that when the noble Marquess described his own language in speaking of political matters, of political foes, and even sometimes of political friends, as mild, it takes from me all grounds of defence, either for the past or for the future, because it shows that in his remarkably clear head there is one deficiency—he is not aware of the value of the words in the English language. The noble Marquess said something about carrying out reforms in the Turkish Empire. It appears to me that if your Lordships were present here the other night when the noble Marquess disposed in the most complete manner of the chances of any such reforms by saying that the Turks had no money and no chance of getting any, and that without money reforms in Turkey were impossible, it will not seem so monstrous if we disbelieve in the reality of these reforms. With regard to the Berlin Treaty, I may say that I am not an opponent of it. I do not wish to see it remain unexecuted. I wish to see it carried out as far as possible so as not to embarrass or entangle us, while being of the greatest advantage to the Christian populations of Eastern Europe. I cannot help thinking the sort of vacillation that has gone on with regard to this Berlin Treaty must be, in some degree, owing to the absolute difference of opinion with regard to the Turkish Empire which has been consistently held by the Prime Minister and the noble Marquess. I trust this Treaty will be carried out; but I complain of the enormous

extent to which the Government have magnified its advantages, instead of giving it its real and practical value. I think this discussion will be of use in putting before the country the real state of things. I do not wish to speak with any feeling of hostility to the Government to-night, nor to put any practical difficulty in the way of carrying out the Berlin Treaty.

House adjourned at a quarter before Ten o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 16th May, 1879.

MINUTES.]—WAYS AND MEANS—considered in Committee—Resolution [May 15] reported.

PRIVATE BILL (by Order)—Considered as amended—Belfast Water.

PUBLIC BILLS—Ordered—First Reading—Local Government (Highways) Provisional Orders (Dorset, &c.) * [186]; Local Government (Highways) Provisional Orders (Gloucester and Hereford) * [185]; Tramways Orders Confirmation * [187]; Consolidated Fund (No. 3) *.

First Reading—Salmon Fishery Law Amendment (No. 2) * [188].

Second Reading—Noxious Gases [123], debate adjourned; Local Government (Ireland) Provisional Orders (Clonmel, &c.) * [166]; Local Government Provisional Orders (Artizans' and Labourers' Dwellings) * [159]; Licensing Laws Amendment [25].

Second Reading—Referred to Select Committee—Medical Act (1858) Amendment (No. 3) * [121]; Medical Act (1858) Amendment [2]; Medical Appointments Qualification * [62]; Medical Act (1858) Amendment (No. 2) * [86].

Select Committee—Wormwood Scrubs Regulation [96], other Members nominated.

Committee—Army Discipline and Regulation [88]—R.F.

Committee—Report—Parliamentary Burghs (Scotland) * [97]; Dispensaries (Ireland) [66]; Hares (Ireland) * [166].

The House met at Two of the clock.

PRIVATE BUSINESS.

BELFAST WATER BILL (by Order).

CONSIDERATION, AS AMENDED.

Order for Consideration, as amended, read.

MR. J. P. CORRY, who had given Notice of his intention to propose the

insertion of a clause, said, he had been informed that it was perfectly within his right to submit the clause, and that there were precedents for the course which he proposed to take. He certainly should not, however, have pursued that course if the promoters of the Bill had not raised technical objections against the Petitioners who represented the disfranchised classes of Belfast being heard before the Committee by whom the Bill had been considered upstairs. As he had already intimated, he believed that in taking this course he was perfectly within his right. At the same time, he was aware that if he were to move the clause of which he had given Notice it would give rise to considerable discussion in the House; and as the Government had fixed a Morning Sitting in order that the House might proceed with the consideration of a very important public measure, he felt that he would not be furthering the conduct of Public Business if he were to persist in moving the clause of which he had given Notice. In refraining from doing so, he desired to say that it was not because he did not feel that he should be able to convince the House that the proposition he wished to make was a reasonable and proper one, and also that he would have been supported by a large majority of the House. Under all the circumstances of the case, he did not intend to move the clause of which he had given Notice.

Bill, as amended, *considered*; to be read the third time.

QUESTIONS.

TREATY OF BERLIN—EXECUTION OF ARTICLES.—QUESTION.

SIR WILLIAM HARCOURT asked Mr. Chancellor of the Exchequer, referring to the Despatch of the Marquis of Salisbury, addressed to Her Majesty's Principal Secretary of State from Berlin on 13th July 1878, which was presented to Parliament with the Treaty of Berlin, in order to set forth the principal alterations made at Berlin in the Treaty of San Stefano, and particularly to the following passages:—

"The first and most important objections made in the Circular of Her Majesty's Government of April 1st to the Treaty of San Stefano" were amongst others that "the first working of

the institutions of the new Slav State of Bulgaria were to be commenced under the control of a Russian Army. It will be seen that all these objections have been removed by the Treaty of Berlin. . . . The influence under which the institutions of Bulgaria were to have been framed, and commenced their working, will no longer be especially Russian. . . . The retirement of the Russian Army from the province must take place before the period of the working of the new institutions is to begin. . . . And the first working of its institutions will therefore not be commenced under the control of a Russian Army;"

and referring likewise to Article 7 of the Treaty of Berlin, which fixes the period at which the working of the new institutions is to begin, as one which "cannot be prolonged for more than nine months from the ratification of the Treaty;" whether he will state if, in the opinion of Her Majesty's Government (the time fixed by this Article having elapsed and its conditions having been fulfilled), the declaration of Lord Salisbury has been made good—

"That the retirement of the Russian Army from the Province must take place before the period at which the working of the new institutions of Bulgaria is to begin, so that the first working of its institutions may not commence under the control of a Russian Army;"

and, if that is not so, whether such a departure from a capital term of the Treaty of Berlin has taken place with the concurrence of Her Majesty's Government?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. and learned Gentleman's Question is certainly somewhat long; and I fear if I were to enter into the discussion which it seems to invite me to, my answer would be very much longer than is desirable, because it would be difficult for me to give a categorical answer to the Question without going into a much fuller discussion of what has taken place than would be convenient to the House or anyone else, I suppose, at the present moment. I endeavoured, as far as I could from the reading of the Question, to ascertain what was the point which the hon. and learned Gentleman particularly desired to ascertain; and in the still more extended form of the Question which stood on the Paper yesterday I thought I had discovered the point, because he referred to the suggestion that the Russian Army would not vacate Bulgaria until the 3rd of August, and I supposed that he wished to ascertain whether Her Ma-

Mr. J. P. Corry

jesty's Government had made any statement to the effect that the Russian Army was not to be bound to evacuate until the 3rd of August. I was prepared to say Her Majesty's Government had made no such statement; but as the matter now stands, with that struck out, I think the only answer I can give is this—that the Treaty of Berlin provided that the evacuation should take place nine months after the signing of the Treaty. The nine months have elapsed, and the evacuation is proceeding.

THE RAILWAY COMMISSION — PRO- LONGATION OF POWERS.

QUESTION.

MR. J. W. BARCLAY asked the President of the Board of Trade, Whether he will introduce the Bill for continuing the Railway Commission before Whitsuntide, in order that Chambers of Commerce and other bodies interested may have ample time to consider amendments of the existing Act?

VISCOUNT SANDON: Sir, as I think I mentioned to the House before, I have prepared a Bill dealing not only with the prolongation of the powers of the Railway Commission—a matter to which both the Government and the community generally attach much importance—but also with other subjects of considerable interest connected with it. But until much greater progress has been made with various Bills of no ordinary length and importance—such as the Army Discipline and Regulation and the Criminal Code (Indictable Offences) Bills, upon which the House is already engaged—I feel that I should not be advancing the object we all have in view, and that it would be only wasting the time of Parliament, and of no advantage to the subject in question, if I invited the House to consider a general measure in connection with the Railway Commission.

OPEN SPACES (METROPOLIS).

QUESTION.

MR. W. H. JAMES asked the Secretary of State for the Home Department, If his attention has been called to the observations of Dr. Hardwicke, at an inquest on the 8th of May upon a person of the name of Heron, in which he commented upon the absence of recreation grounds in London, where the children

had nowhere to play except the streets; and, if he will consider the expediency of making some inquiry as to whether there are not open spaces in the metropolis which might be made more available as playgrounds for the children of the poor than at present?

MR. ASSHETON CROSS, in reply, said, he regretted as much as Dr. Hardwicke or anyone else that there were not more playgrounds in the Metropolis for children. A good deal had undoubtedly been accomplished of late years; but he was not aware that anything more could be done than had been done under the Open Spaces (Metropolis) Act, which was passed in 1877.

LLOYDS' PATRIOTIC FUND.

QUESTION.

SIR HENRY HAVELOCK asked the Vice President of the Council, Whether his attention has been drawn to a statement, which has appeared in several newspapers, that a sum of £51,000 was, during the Peninsular war, given by Lloyds' Patriotic Fund to be appropriated for the benefit of the families of deceased soldiers and sailors; that the accumulations of this fund now amount to £430,000, which is said to be under the administration of the Charity Commissioners; and, whether the facts are in any way as above represented; and, if so, whether this fund can be made available for the relief of the families of those soldiers lately killed in South Africa and Afghanistan?

LORD GEORGE HAMILTON, in reply, said, he had communicated with the Charity Commissioners on the subject, and it appeared that this sum of not £430,000, but £74,600, in Reduced Three per Cent Annuities, stood in the names of "the Official Trustees of Charitable Funds" in trust for "Lloyds' Patriotic Fund," the dividends of which were to be administered in accordance with the provisions of the scheme established by order of the Board of Charity Commissioners for England and Wales, dated the 28th day of May, 1875. Those dividends, amounting to £1,119, were applicable, after certain other charges, in the discretion of the Trustees to the payment of annuities to the persons mentioned in section 17 of that scheme, the opening words of which provided that the income from the fund

should be applied by the Trustees in their discretion in granting annuities and other pecuniary assistance to soldiers, seamen, and marines, officers and men, and to their widows, orphans, and dependents, having especial regard to sufferings and losses in action. He thought, therefore, that the best course for the hon. and gallant Gentleman would be to open communications with the Charity Commissioners, and ascertain from them whether any of this money could be applied to the relief of the families of those soldiers lately killed in South Africa and Afghanistan.

ORDER OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL.—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 15th May.*]

Bill considered in Committee.

(In the Committee.)

Clause 37 (Ill-treating soldier), *agreed to.*

Clause 38 (Duelling and attempting to commit suicide).

MR. PARNELL, in moving, as an Amendment, in page 16, line 7, after the word "suicide," to insert the words "while not undergoing a sentence of imprisonment," asked whether it would not be better to omit the 2nd sub-section from the clause? He thought that men convicted of breaches of military discipline should not be treated in the same way as felons and persons convicted of ordinary crimes, and he hoped that some guarantee would be taken under the Bill in order to secure this desirable result. They had a case the other day in which a sergeant of the 60th Rifles at Ginghilovo in South Africa, who merely committed an error of judgment in retiring a picket, had imposed upon him a sentence of five years' penal servitude. Common prison discipline in this country was neither more nor less than slavery; and he protested against the proposal to sentence a man already incarcerated to an additional term of imprisonment because, feeling that slavery, he attempted to commit suicide. There ought clearly to be some distinction between

the treatment of military prisoners—men who were simply convicted of breach of discipline—and the treatment of men convicted of criminal offences in the ordinary sense. There should, in his opinion, be separate prisons, separate rules, and a separate system of treatment altogether. It was manifestly highly unjust and improper that men who were found guilty and convicted of simple breaches of discipline should be compelled to herd with ordinary criminals. He earnestly desired to press this matter upon the attention of the right hon. and gallant Gentleman the Secretary of State for War and the right hon. Gentleman the Home Secretary; and he hoped it would be carefully considered whether powers might not be given to the right hon. and gallant Gentleman to frame rules for the regulation and management of military prisons not only in England, but in other parts of the world. He simply moved his Amendment in order to put himself in Order. He did not intend to take a division upon the matter at present; but at a later stage of the measure he should be prepared, if necessary, to make a proposal embodying the views which he had indicated.

COLONEL MURE was inclined to think the hon. Member for Meath (Mr. Parnell) had very far stretched a point in assuming that the usual treatment of convicts induced suicide, and that the same thing could be said of the treatment of military prisoners. It was another assumption, also, that in the case of the sergeant at Ginghilovo the man only committed an error of judgment. As yet, they had no evidence on that subject at all; but his (Colonel Mure's) impression was the other way, and he did not believe for a moment that a man would have been sentenced to five years' penal servitude for that alone.

COLONEL STANLEY said, with regard to the case of the sergeant referred to, he had only seen what had appeared in the public Press. He had not yet received any of the Papers, and, therefore, as he had already stated, he was utterly unable to form any opinion. It was also a pure assumption that because a non-commissioned officer was sent to penal servitude he would be likely to commit suicide. He was, however, quite ready to admit the contention of the hon. Member for Meath (Mr. Parnell), that

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they must consider very carefully the circumstances under which military prisoners were confined in State gaols; and although he was not able in all cases to make separate rules for different classes of offenders, the point raised by the hon. Gentleman was one which had engaged, and would still receive, his own attention and the attention of his right hon. Friend the Home Secretary, with a view to its amendment to a certain extent.

Mr. E. JENKINS asked why, if the existing law were sufficiently strong to lay hold of offenders, and offences were defined in the Common Law, it should be necessary to make an attempt to commit suicide what might be termed a military offence? It could be well dealt with by the ordinary Criminal Courts. They had a punishment for the offence under the ordinary law, and why should not the offender be handed over to the civil power for trial? The certificate of the sentence would be enough to enable the military power to deal with the offender. He was not going to discuss the Ginghamro affair either; but the time would come when the Government would have to answer for the strangeness of the fact that the offence of the General who lost an Army at Isandlana should be disregarded, while a sergeant—[Colonel STANLEY: I rise to Order]—was sentenced to penal servitude for retiring a picket.

THE CHAIRMAN: The question before the Committee at the present time is the Amendment of the hon. Member for Meath (Mr. Parnell) as to the punishment to be inflicted on soldiers who attempted to commit suicide, and the hon. Member for Dundee must confine his observations to that Amendment.

GENERAL SIR GEORGE BALFOUR remarked that this was one of the many additions of novel crimes created by the present Bill, which he very much regretted. The new crime was not recognized by the old Mutiny Act, but only by the 104th Article of War, and which was in contravention of the rights granted to the Crown to make new crimes not provided for by the Acts of Parliament, and it was now legalized for the first time by being introduced into the proposed Act by the Secretary of State.

SIR WILLIAM HARCOURT thought it was a misapprehension of the law which could apply to many other cases. The

Articles of War were not illegal; but they were legal so long as they did not go beyond certain penalties. The recital stated that "no man can be forfeit of life or limb without the authority of the Act of Parliament."

MR. O'DONNELL said, the question of unnecessary duplication of crimes and punishments was raised by this and by a good many other clauses of the Bill. Certain punishments and crimes were clearly laid down in the ordinary law of the land; and why, in the preparation of the present measure, should the principle not have been observed by simply declaring that all the crimes known to the general law were also crimes in the Army, and that the punishments fixed under the general law were applicable in the Army, except in cases where for military purposes it was advisable either to add to or take away from the list of ordinary crimes? This sort of way of imperfectly going over the ground traversed by the general Criminal Law seemed to him to perpetuate a good many of the worst evils of confusion which existed in the old Mutiny Act and in the old Articles of War, and which ought to be improved and amended, and rendered as nearly as possible perfect on the present occasion.

MR. PARNELL said, that apart from the evils of the present system, his reason for directing the attention of the Government to the subject was this—that he thought the Home Secretary did not take power in his Prisons Act of 1867 to make rules with regard to military prisoners as distinct from any other class of persons undergoing sentence; and if the right hon. Gentleman now desired to make such rules, it would be necessary for him to take power under the Bill now before the House. He sincerely hoped that the attention of the Government would be given to the subject; and, if necessary, he should be prepared at a future stage to bring it on again.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clause 39 (Refusal to deliver to civil power officers and soldiers accused of civil offences).

SIR ALEXANDER GORDON moved, as an Amendment, in page 16, line 14, to leave out the words "to deliver over

to the civil magistrate or to." For the first time there was introduced here an offence against which it would be very difficult for an officer to defend himself. The terms of the present Act provided that the person wanted must be "under his command." These important words were now omitted, and the clause now punished any person subject to Military Law who refused to deliver over "any officer or soldier accused of an offence punishable by a civil court." It was not to be necessary that the person called on to deliver up a person should have any connection with, or any power or command over, the person to be punished. The word "wilfully" was also now omitted. Formerly, both in the Mutiny Act and in the Articles of War, the person must "wilfully neglect or refuse;" but those words were now omitted, making the clause far more severe. The duty of the officer now was to render such assistance to the civil authorities as might be in his power. When Lord Melbourne was Home Secretary, the question arose whether a commanding officer should or should not be compellable by law to deliver over any soldier under his command. The question was referred to the Law Officers, and their opinion was communicated, by the desire of Lord Melbourne, to the Army. That opinion was to the effect that, while a commanding officer was not compellable, either by the Mutiny Act or by the ordinary processes of the Courts of Justice, to deliver up a soldier to a constable who had a warrant to execute against him, yet, at the same time, such facilities ought to be granted to a constable as to enable him to take the person. It came to this—that while an officer was not compellable to give up the person, yet that it was wise to do so, in order to avoid unseemly and dangerous collisions between the civil and the military powers.

COLONEL STANLEY quite agreed that the words in the old Mutiny Act were "under his command." But the Articles of War did not say anything about command, and ran thus—

"Any officer or soldier who, on application being made to him for the purpose, shall wilfully neglect or refuse to deliver over to the civil magistrate, or to assist in the apprehension of any officer or soldier accused of any crime punishable by law."

He apprehended, therefore, that so far

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they were reproducing the old law; and he was anxious also, as far as possible, to avoid any chance of a conflict between the civil and military authorities. He thought the clause had better remain as it was, for he saw no reason to omit the words.

GENERAL SIR GEORGE BALFOUR reminded the right hon. and gallant Gentleman the Secretary of State for War that any constable could not at the present time be allowed to walk into any barracks just as he chose, and take away a soldier legally in confinement under Military Law. No doubt the civil power was supreme, and was so recognized by every officer of the Army. The officers well knew that they must obey all demands made by the civil magistrate to give up military persons when regularly and lawfully demanded. He had known cases where a military person, when about to be flogged, was taken out of the square formed by the troops to witness the punishment, and not the slightest hesitation existed in giving up the body on the Judge's writ being presented to the officer in command. And as there had been no conflict up to the present between the two powers, civil and military, where was the need for these words, which might lead to serious strife by reason of a constable making a demand on a sentry or a corporal to yield up a military prisoner?

MR. RYLANDS said, he was very sorry that he could not agree with his hon. and gallant Friend the Member for East Aberdeenshire (Sir Alexander Gordon). Clearly, if a soldier was guilty of any offence against the law an officer was bound by every consideration to deliver him up to the civil authorities. It would be most unfortunate if any doubt whatever were allowed to remain upon that point, and no encouragement should be given to commanding officers to refuse to assist the civil power in dealing with soldiers who had been guilty of criminal offences. But if his hon. and gallant Friend thought the clause, as it now stood, pressed upon commanding officers and regimental officers in a manner that was not already the case, he should have no objection to the word "wilfully" being inserted. That would, he thought, meet the objection that had been raised. If the Amendment were withdrawn, he trusted the right hon. and gallant Gentleman the

Secretary of State for War would consent to the insertion of the word "wilfully."

GENERAL SHUTE observed, that the clause only referred to commanding officers. He thought it would be far better if the few words to which objection had been taken were omitted.

SIR WILLIAM HARCOURT said, that a commanding officer was, by the present law, bound to deliver over to the civil power any officer or soldier under his command, guilty of any act contrary to law, on proper application being made to him. So far as he could see, this clause practically reproduced Clause 76 of the old Mutiny Act, except, it might be, by the omission of the words "under his command." He thought that those words were properly omitted, in order to insure in every case the due execution of the law against any soldier. It was undesirable that an officer should not be bound in all cases to aid the civil power in the apprehension of military offenders.

SIR ALEXANDER GORDON observed, that by the clause, as it stood, an officer was to be punished if, on application being made to him, he neglected or refused to assist in the apprehension of any officer or soldier charged with any offence in any Civil Court. Those words went too far, and what he asked was that it should not be made penal for an officer not to have given into custody a soldier charged with any offence, when that officer might know nothing about it, except that the soldier was under his command.

MR. E. JENKINS remarked, that the clause was in accordance with the existing law. The Mutiny Act, it was true, confined the offence to a commanding officer; but the 96th Article of War provided for any officer or soldier who, on application being made to him, should neglect or refuse to deliver over to the civil magistrate any officer or soldier accused of an offence punishable by a Civil Court. He did not think it could be said that the clause altered the existing law.

Amendment negatived.

Clause agreed to ; and ordered to stand part of the Bill.

Clause 40 (Conduct to prejudice of military discipline).

SIR WILLIAM HARCOURT said, this was known in the Army as the

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"Devil's Clause." On general principles, he should be inclined to think the clause objectionable, as the great object of all criminal legislation was that crime should be specifically defined. He should be very glad if such a provision could be done away with; but he did not think it was possible. It had been found necessary, for the maintenance of discipline, to have some such clause as that, which corresponded with regard to the soldier very much to the clause with reference to an officer making punishable conduct unbecoming an officer and a gentleman. As in the case of an officer it was necessary to provide generally for conduct unbecoming an officer and a gentleman, so, in the case of a soldier, for any act, conduct, disorder, or neglect to the prejudice of good order and military discipline not otherwise specified in the Act. The evil, no doubt, was that this clause might be used by officers in courts martial to try soldiers for offences specified in other clauses. He desired that it should be made quite clear that that was not to be done. Evidence was given before the Select Committee to show that there was a disposition to use the clause for cases in which it was not intended to apply. To meet that objection he should, therefore, propose to put in words at the end of the clause declaring that it was not to be employed for purposes of punishment in matters for which a specific punishment was provided by the Act. He should now move, as an Amendment, in page 16, lines 25 and 26, to leave out the words "though not in this Act otherwise specified," and would move later on to insert the provision he had mentioned.

COLONEL STANLEY said, that, on consideration, he agreed with the Amendment proposed by his hon. and learned Friend the Member for Oxford (Sir William Harcourt). There was a good deal to be said on both sides; but as it was in accordance with the general principle of the Act to specify crimes and punishments, it was certainly undesirable to leave it in doubt that this clause was only intended to apply to offences upon which the Act was silent.

Amendment agreed to ; words struck out accordingly.

SIR ALEXANDER GORDON moved, as an Amendment, in page 16, line 27,

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to leave out the words "on conviction by court martial," in order to insert "be tried by court martial, and on conviction shall." The 105th Article of War, referred to in the margin of the Bill as being that upon which the clause was founded, declared that offences to the prejudice of good order and military discipline should be taken cognizance of by a court martial. That provision had been in use for many years, and had worked well. Many hon. Members were most strongly opposed to the offences of officers and soldiers being tried by any other means than by court martial, and the object of the Amendment was to insure that course being taken. He sought to make it imperative upon the Secretary of State for War, when he took cognizance of any of these offences, to deal with them only by bringing the officers or soldiers charged therewith before a court martial.

COLONEL STANLEY said, that, whatever might be the effect of the 105th Article of War, the hon. and gallant Member must see that the effect of the Amendment he proposed would be to render the clause which they were passing more stringent. Whatever act might be construed as prejudicial to good order and military discipline, however trivial, must, if the words were inserted, be tried by court martial, and he did not think that that should be done. The alteration of the clause would really tend to increase the danger which the hon. and gallant Gentleman feared. Although the Article of War might be as he had stated, yet it was well known that it was not put in force, and that great discretion was exercised by the authorities.

MR. E. JENKINS remarked, that the right hon. and gallant Gentleman admitted that the Article of War specifically stated that these offences should be taken cognizance of by a court martial; but he had gone on to observe that they were not always taken cognizance of. But the contention of his hon. and gallant Friend the Member for East Aberdeenshire (Sir Alexander Gordon) was that persons should not be treated as being guilty of these offences without being previously tried by a court martial. It was necessary to introduce the words he proposed to insure that being carried out. He wished to point out to

the Committee that the clause, as it stood, was more severe than the Article of War. Whereas the Article of War gave some sort of direction to a court martial that the crime or offence should be taken cognizance of according to its degree, yet, in this clause, those words were left out. No such direction was anywhere given to a court martial by this Bill, and anyone who knew anything about military men would see that when a man was tried before a court of officers for having shaken his fist at his commanding officer, or some little offence of that sort, the absence of any direction to the court martial to treat the offence according to its nature and degree would considerably prejudice the offender. In his opinion, that was a matter well worthy of attention. As courts martial were become more ordinary, it was more necessary than ever that clear and explicit directions should be given by the Bill to persons not instructed in law as to what they were to do. There was a great deal of force in the view of his hon. and gallant Friend that no man ought to be punished for crimes which came properly under this clause, unless he had been previously brought to trial before a court martial. That was a point upon which they had been endeavouring to insist throughout the Committee, and he should go into the Lobby with his hon. and gallant Friend if they went to a Division upon it.

SIR WILLIAM HARCOURT did not think it quite certain that the Amendment proposed would make the clause less severe. On the contrary, he thought it would make it more severe, for the clause covered every "act, conduct, disorder, or neglect," and no one could wish a man to be tried by court martial for a very trivial offence. For slight offences a commanding officer could award punishment to soldiers, and no one could insist that every one of these should be tried by court martial. If that were done, the clause would be made much more severe. The authorities avoided doing so now by putting a liberal interpretation upon the Article of War. The hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) wished to insert his Amendment in order that everyone charged with these offences might be tried by court martial. What he (Sir William Harcourt) should

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contend, on the other hand, was that if lighter penalties were provided, then the authority of the Statute was not needed; but if a court martial were required, then the words in the clause, "upon conviction by court martial," were sufficient to meet the case.

MAJOR NOLAN could not support the Amendment. In his opinion, it would make the Act, already stringent enough, still more stringent. A commanding officer would be placed in a position in which he would have to say to an officer or soldier—"You have committed an act by which, under this clause, you must be dealt with by court martial." He thought it would be better if the words were not inserted.

LORD ELCHO considered it necessary that the Army should be kept in thoroughly good order and discipline. But when he heard the hon. Member for Dundee (Mr. E. Jenkins) refer to a soldier's shaking his fist in the face of his commanding officer as a very small offence, he thought it right to say that, in his opinion, expressions such as that should not be used in the course of that debate. What passed in that House was very fully reported, and when soldiers read in the newspapers that a distinguished Member of the House of Commons had stated that it was a trivial offence for a soldier to shake his fist in his commanding officer's face, it would have a very prejudicial effect.

MR. E. JENKINS observed, that the noble Lord opposite (Lord Elcho), being a Scotchman, seemed to have no sense of humour. But, perhaps, when he (Mr. E. Jenkins) made use of the words complained of, he did so unadvisedly. He would venture to point out that the clause, as it now stood, was very much more severe than the Article of War, because the Article of War took cognizance of the offence according to its degree, whereas the clause contained no such modification. No one would wish that every person who had committed any of these offences should be tried by court martial, only that they should be liable to be so. He thought that both officers and soldiers would prefer the 105th Article of War to the clause of the Bill.

MR. GOLDNEY did not think that the hon. Member for Dundee had read the Article of War correctly. In a compromise between the two, it seemed to

him (Mr. Goldney) that the clause was the more favourable to the persons coming under it.

SIR ALEXANDER GORDON thought it obvious to every military man that his Amendment was not capable of the construction put upon it by the hon. and learned Member for Oxford (Sir William Harcourt). The Article of War had been in use about 100 years, and, never having been subjected to the hypercriticism of the hon. and learned Gentleman, it had never been construed in the way it was now put by him. It was never intended that everyone should be tried by court martial for every offence, and he should contend that that was not the proper construction of his Amendment. But the object of his Amendment was to prevent the system that had only been recently adopted and had come into practice, by which the Secretary of State for War overrode all law by pronouncing judgment himself upon officers and soldiers charged with offences. Such a system as that would never formerly have been thought of.

MR. RYLANDS thought, after the very serious statement which had been made as to the conduct of the War Office in the matter of courts martial, some explanation should be given. The hon. and gallant Gentleman the Member for East Aberdeenshire (Sir Alexander Gordon) had, in the most distinct manner, charged the Secretary of State for War with a very grave misdemeanour. He had stated that the right hon. and gallant Gentleman had been in the habit of making use unnecessarily of the power he possessed to deal with military offenders, and of not bringing offences under the cognizance of courts martial when they ought to have been. When hon. and gallant Gentlemen in the Army thought it necessary that some provision should be made against this sort of procedure, he was of opinion that the Committee ought to take some notice of the matter. He (Mr. Rylands) was very much influenced by the authority of the hon. and learned Member for Oxford (Sir William Harcourt) in other matters; but upon this clause he was not disposed to regard him as an exclusive authority. He thought that it was undesirable that for some trivial offence there should necessarily be a court martial; but he quite agreed that if there was any chance of the clause being made use of

posed to alter the distance from 120 to 100 miles. No reason was given for this trifling change. It had, however, the effect of changing a long-established course of action, and one that had been introduced after many difficulties. Beyond 120 miles the trials for offences which would within 120 miles be carried on before a Civil Court must be conducted by courts martial, and hitherto very fairly done. He trusted that the Secretary of State for War would consult those who were acquainted with the Indian practice in determining what the new clause should be.

SIR HENRY JAMES pointed out, that if the Proviso were allowed to stand in its present form, it would, *prima facie*, at once give military jurisdiction in cases of murder and treason, and he could not think that such was the intention of the Committee.

MR. PARNELL said, the limit of 100 miles from the place of civil jurisdiction was a bad one, and it would, therefore, be better to leave that an open question also. He suggested that all the words after "Gibraltar," in line 26, should be left out, in order to insert the words—

"Unless such place is so situated that there is no possibility of trying the offender before a competent civil court;"

and the right hon. and gallant Gentleman could then amend that on Report, if necessary. The proposed alteration would get rid of the limit of distance, and the authority of the convening officer, as well as the objectionable sentence with regard to the "reasonable time" within which an offender could be tried, while any securities that were found to be required could be added on the Report.

MR. HOPWOOD thought the word "civil," as contrasted with "military," made use of in the clause, was not the fittest that could be chosen. This criticism was merely verbal; but it was right to use accurate language if it could be found.

MR. STAVELEY HILL replied, that by the Definition Clause the words "civil courts" applied to any court whatever.

Amendment agreed to; words struck out accordingly.

Clause, as amended, agreed to, and ordered to stand part of the Bill.

General Sir George Balfour

Redress of Wrongs.

Clause 42 (Mode of complaint by officers).

SIR ALEXANDER GORDON moved, as an Amendment, in line 41, page 17, after the words "Commander-in-Chief," to insert the words "in order to obtain justice."

Amendment agreed to; words inserted accordingly.

SIR ALEXANDER GORDON moved, as an Amendment, in lines 41 and 42, to leave out the words "who shall cause his complaint to be inquired into," in order to insert the words "who is hereby required to examine into such complaint."

Amendment agreed to; words substituted accordingly.

SIR ALEXANDER GORDON moved, as an Amendment, in page 18, line 2, after the word "thereon," to add these words—

"In India any such officer may complain to the Commander in Chief in India, who, if he is unable to give such officer the redress to which he may consider himself entitled, shall forward the complaint to the Commander in Chief to be disposed of as above directed."

In some of the Presidencies of India, an officer was allowed to complain to the Commander-in-Chief; but in others, an officer would be obliged to complain to a civil authority. The object of the Amendment was that an officer who felt himself aggrieved should have the right to complain to the Commander-in-Chief of the Army. This right was possessed by the officers in China, and was, indeed, acknowledged all over the world.

COLONEL STANLEY thought that Sub-section 3 of Clause 170, page 98, which ran thus—

"Any officer belonging to Her Majesty's Indian Forces who thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, may complain to the Commander-in-Chief in the Presidency," &c.

would carry out the principle desired by the hon. and gallant Member to be established.

SIR ALEXANDER GORDON remarked, that this was a good illustration of the answers received in the

a commanding officer dealing with a soldier by inflicting on him some small punishment without sending him to a court martial.

MR. MEREWETHER agreed that the Amendment would prevent a commanding officer, who found a man guilty of something to the prejudice of good order and military discipline, even reprimanding him, for he could not be dealt with otherwise than by court martial, reprimand being one of the penalties specified.

MR. HOPWOOD did not wish to affect the Prerogative of the Crown to dismiss an officer; but the principle on which they insisted was, that whenever any person was charged with any such offence as was indicated in the clause, and was liable to be tried by court martial, he should be tried by court martial, and should be dealt with in no other way. Such a provision as that would not interfere with the Prerogative of the Crown to dismiss anyone for any or no reason whatever. So far as this clause was concerned, and so far as it laid down certain charges, then those matters ought to be decided upon by a proper tribunal.

MR. MUNTZ remarked, that a man could be dismissed without any court martial at all. He did not think that anyone would wish to interfere with the Prerogative of the Crown to dismiss an officer from the Service without assigning a reason.

MR. E. JENKINS said, he should move to report Progress, as the Committee did not seem disposed to hear him on the matter.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—
(*Mr. E. Jenkins.*)

COLONEL STANLEY was not aware that the hon. Gentleman had met with any interruption. Many of the comments upon some of those points were not shared in by the body of the Committee; but if they reported Progress whenever that was the case, they would be kept till the Whitsuntide Holidays considering the Bill. There had been no interruptions, and, on the contrary, the discussion had gone on most smoothly. His objection to the Amendment was that, whereas the authorities now exer-

cised a discretion with regard to sending offences before a court martial, if it were adopted, when once they had taken cognizance of a case, there would be no option but to have it tried by court martial, and thus subject the offenders to much more severe punishment. Therefore, he wished the clause to stand as it was, and he trusted that the Committee would proceed and give its decision upon what, after all, was a very small matter.

SIR HENRY HAVELOCK objected to the Amendment, both on the ground that it might be an interference with the Prerogative of the Crown, and that it would prevent offences, however small, being dealt with otherwise than by court martial. It was not desirable to interfere with the Prerogative of the Crown in an indirect manner; and sending cases to court martial instead of dealing with them summarily would, so far from being an alteration in the direction of leniency, be exactly the reverse.

MR. E. JENKINS stated that he had no desire to stop the progress of the debate; but if the right hon. and gallant Gentleman the Secretary of State for War would put some little restriction upon the tempestuous element behind him, he thought they would get on better. He had taken considerable pains to acquaint himself with the details of this measure, and thought that the Committee should pay some regard to the objections brought forward. He would advise his hon. and learned Friend (Mr. Hopwood) to withdraw his Amendment after the opinions that had been expressed as to its effect upon the Prerogative of the Crown. Undoubtedly it was the Prerogative of the Crown to dismiss without any reason given; and as regarded that Prerogative, it was not proposed for one moment to interfere with it. They proposed only to point out that if an officer were charged with the offences cognizable by military tribunals established in the Act, that then, in relation to those offences, he should be allowed the privilege of a trial by court martial before the Crown exercised its Prerogative. That might be an interference with the Prerogative of the Crown to some extent, as it asked the Crown, before it dismissed officers for particular offences, to restrain its Prerogative until they had been tried by courts martial under the Act. No

Mr. HOPWOOD inquired to which Commander-in-Chief the appeal lay? It had been answered, to either of them; but that could not be. The Commander-in-Chief in India might have power to remedy the grievance of an officer; if so, that was only saying that the appeal should be made to him in the first instance; but if that was not the case, it was saying that the appeal should lie to the Commander-in-Chief in England. It was this appeal which was desired. It ought to lie in all cases from officers serving in the Queen's Forces in India to the Commander-in-Chief in England.

GENERAL SIR GEORGE BALFOUR reminded the Committee that in India, where the Government was supreme, no power which any Commander-in-Chief possessed, either in India or in England, could deal with. No military authority, however high, could go beyond that of the Viceroy, unless to thrust upon the Field Marshal Commanding-in-Chief a right of interference with the Government of India far in excess of the functions confided to him under the Order in Council of 1870. It was, therefore, necessary to provide that the complaints of officers should in some way or other not only reach the Commander-in-Chief in England but also the two Secretaries of State for India and War. He therefore hoped that the Secretary of State for War would take proper means to redress the constantly-recurring grievances of officers serving in India by insuring a channel of communication through which the claims and complaints might be subjected to the Cabinet.

SIR JOHN HAY said, according to Clause 42, an officer might complain to the Commander-in-Chief in India, who would send the complaint to the Secretary of State for India. The officer would then find himself in difficulty between the right hon. and gallant Gentleman the Secretary of State for War, and the Secretary of State for India. What was wanted was that the Commander-in-Chief in India should receive the officer's complaint, and forward it to the Commander-in-Chief in England, who should take care that no disputes arose between the great Departments of State, owing to which the grievances of officers might remain unredressed. It was true that, under Clause 170, the

officers of the Indian Army had a right of appeal which was now sought for the officers of the English Army; and it was asked that such appeal should come home to the Commander-in-Chief here, and, eventually, that the Secretary of State for War should place it before Her Majesty.

MR. MARTEN pointed out that Clause 180 expressed the Commander-in-Chief to mean the Field Marshal or other officer commanding-in-chief Her Majesty's Forces for the time being. The present clause, therefore, would provide for the complaint going to the Commander-in-Chief—that was to say, under the present system, to the Field Marshal Commanding-in-Chief Her Majesty's Forces for the time being.

SIR ALEXANDER GORDON said, that the views of the hon. and learned Member for Cambridge (Mr. Marten) did not at all meet the case. The section, quoted from page 98, applied solely to the officers of the Indian Service, who had nothing whatever to do with the British Service, and whose complaints, therefore, it was proper should be settled by the Government under which they were serving. But the Queen's officers should be dealt with as they would be in China or in North America. He felt sure that if the settlement of the question was put off, the Committee would be told, when they reached the clause referred to, that it had nothing to do with the Queen's officers; moreover, he wished it to be understood that he had not put down this Amendment without well knowing the cases to which it would apply. Officers serving in India made complaints which went up to the Presidency, where they were dealt with as Government questions—the civilians disposing of military matters which ought to have gone to the Commander-in-Chief. That was the grievance of the Army. The officers desired to be protected in India as they were in other parts of the world. When these complaints came before the Secretary of State for War, the reply was that he could not interfere in matters relating to India; and when they came before the Secretary of State for India, his reply was that he knew nothing about them. The remedy desired, therefore, was that officers serving in India should have the opportunity of bringing their

grievances to the knowledge of the Commander-in-Chief in England, and he hoped the right hon. and gallant Gentleman would agree to the insertion of the words proposed.

COLONEL STANLEY agreed with the principle that an officer, in making an appeal, should not be shuttle-cocked about; but, as it was laid down, officers serving in India came under Clause 42, and had their right of appeal accordingly, it mattered not whether their complaints went to the Commander-in-Chief or the General Officer commanding, both of which officers were but the channels through which the complaints were forwarded. If he found that his impression was wrong, and that the hon. and gallant Member for East Aberdeenshire was correct in the view he had taken, he would agree to the insertion of the words on Report.

SIR ALEXANDER GORDON said, he was perfectly satisfied with the statement of the right hon. and gallant Gentleman; and, therefore, he should withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Mr. PARNELL said, there appeared to be some confusion between the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) and the Secretary of State for War. The argument of the hon. and gallant Baronet came to this—that although the officer in India—serving in India—nominally retained his status and right of appeal under Clause 42, yet, owing to the distance of England from India, it was impossible for him, practically speaking, to make this appeal within any reasonable time; and although there was a Commander-in-Chief in India, the Commander-in-Chief at home did not consider himself competent to interfere in the matter. Then came the question between the different Secretaries of State—the Secretary of State for India, and the Secretary of State for War. The Secretary of State for War did not consider himself properly qualified. This appeared to him (Mr. Parnell) to be the argument of the hon. and gallant Baronet. Of course, if he only desired to reserve the technical right of an officer in India to appeal, he would have gained his purpose by the promise made by the Secretary of State for War.

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MAJOR NOLAN expressed his regret that some of the clauses in the Bill were not dovetailed. The case was made much worse for the soldier than for the officer. But the Government had introduced into this clause great practical changes. They read very well; but he doubted whether they would work well. There was, for instance, the case of an officer making a complaint against another officer—affecting the character of another officer—or of a soldier making a complaint. What was in the mind of the draftsman of this Bill? Clearly, his object must have been to discourage complaints. The old Articles of War were in the other direction—they encouraged complaints, so as to leave a safety-valve. They gave an officer or a soldier full permission to bring complaints before their superior officer, if they felt themselves aggrieved. There was no penalty on an officer bringing a complaint and failing in it, though there was on the soldier; but there was this provision—that if he brought a complaint before the regimental court—if he appealed to a higher court—he might be punished, if the appeal was found to be frivolous and groundless. The same was the case exactly with regard to the soldier. He thought there was a very great change being introduced by this penal clause, thus adding to the old Articles of War. They now said to a man who made a complaint—"If you make a false statement, you are liable to be tried." At first sight, that seemed fair; but what about the working of it? The man complaining would differ in some matter of fact from his commanding officer; there was nearly always a difference as to a matter of fact, and if there was a difference, it might fairly be said to "affect the character" of somebody. It might, for instance, affect an officer's military character to say he lost his temper, or something of that sort; and in the majority of cases of serious complaint they would have some statement affecting the character of an officer. What he believed would happen under this new Act was this—and it was designed, he was satisfied, for the purpose—when an officer made a complaint, instead of pressing it against his commanding officer, he would be put on his trial, and the commanding officer would be told he must prove the charge against the junior officer, who would be told he

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MAJOR NOLAN said, the argument of the right hon. and gallant Gentleman the Secretary of State for War, that if a maximum punishment were fixed, it would be likely to become the minimum, was not borne out by experience. The maximum penalty of two years' imprisonment was very rarely inflicted in practice, and was very frequently reduced by regimental courts martial to imprisonment for only two or three days.

GENERAL SIR GEORGE BALFOUR thought the discussion only seemed to furnish another illustration of how confused and confusing were the provisions of this Bill. For his own part, he regretted very much that, instead of making such a proposal as that embodied in the present clause, the Secretary of State for War had not adhered more closely to the Articles of War and the Regulations already in existence, which long experience had proved to have worked satisfactorily. The Bill ought simply to have been a consolidating Bill, and another Bill should have been introduced, providing for changes in the existing law and Articles of War. This was the command of the Statute Revision Committee. The second Bill, on being agreed to in Committee, might then have been amalgamated with the consolidated Bill. In this form the Military Law should have been passed, without raising the numerous difficult questions already discussed.

MR. PARNELL expressed his surprise that the Secretary of State for War should have refused to accept the Amendment. Of the two, he might add, the second Amendment of his hon. and gallant Friend the Member for Galway (Major Nolan) seemed to him to be the more important. All it asked the Committee to affirm was that no punishment should be inflicted on a private soldier exceeding 84 days' imprisonment for the commission of any offence which it was found impossible to define in the Act itself. That, he confessed he could not help thinking, was a most reasonable proposal. There was no grave or serious offence which had not been abundantly defined in the Bill already; and it could, therefore, be only for some trifling offence that a soldier could be tried by a court martial and sentenced to imprisonment under the operation of the clause now under discussion.

COLONEL COLTHURST hoped the right hon. and gallant Gentleman the Secretary of State for War would reconsider his decision in the matter. There were, in his opinion, very few cases in which a court martial would think it necessary to sentence a man to a longer period of imprisonment than 84 days. If a man was sentenced to six or 12 months' imprisonment, the evil results were likely to be far greater than the punishment itself. As to the first part of the clause which related to officers, he did not think it would be worth while to interfere with it.

COLONEL MURE said, he could not support the first Amendment of the hon. and gallant Member for Galway (Major Nolan). The second, however, was, he thought, entitled to the favourable consideration of the Committee. As had been observed in the course of the discussion, every serious offence had already been defined in the Bill; and there ought, in his opinion, to be some limitation imposed on the powers of courts martial in dealing with those trifling offences against good order and discipline which might arise under the operation of the clause. As a general rule, of course, great powers must be given to those who were intrusted with the administration of the affairs of the Army; but as there was great variety in the tone and temper of officers in the command of regiments, so was there great variety in the severity of the punishments which were inflicted on the men under them from time to time. That being so, it would, he thought, be very advisable to limit the power conferred by the clause, as the hon. and gallant Member for Galway proposed to do by his second Amendment. It was a limitation to which commanding officers themselves would, he believed, be far from objecting.

MR. HOPWOOD contended that as the clause applied, and that only in general terms, to a number of small and trivial offences for which it had been found impossible to provide in the other clauses of the Bill, it would be only wise and fair for the Government, especially after the remarks which had fallen from hon. and gallant Members who were so well acquainted with the subject, to provide that the punishment to be inflicted for those offences should not exceed a maximum. He entirely

dissented from the view of the right hon. and gallant Gentleman the Secretary of State for War that because the extent of the punishment was named in the clause it would invariably be adopted, and the maximum become the minimum. His experience of Courts of Law did not bear out this view, and he hoped the Amendment would be agreed to.

SIR WILLIAM HARCOURT, while admitting that there were one or two points of some difficulty involved in the clause, said, its real object was to provide a means of dealing with unforeseen offences which, so far as he was aware, were not provided for under the Military Law as it stood. The Bill made definite provisions against all serious offences; but it was desirable, in his opinion, that the whole ground should be covered, and that there should be the means of inflicting adequate punishment for conduct prejudicial to good order and discipline in the Army whenever it occurred.

SIR ALEXANDER GORDON wished to call the attention of the Committee to the opinion of the draftsman of the Bill, as having an important bearing on the subject under discussion. The draftsman, in giving his evidence before the Select Committee upstairs, said he did not believe the ingenuity of man could discover a crime which could not be tried under the operation of the first part of the Bill, and that if any gentleman present at the time, whether soldier or civilian, could tell him of any such crime, he would give the question up. That being the opinion of the draftsman, would it not be wise, he would ask, to accept the Amendment of the hon. and gallant Member for Galway (Major Nolan), limiting the period of imprisonment in the case of a soldier found guilty, under the present clause, to 84 days?

SIR CHARLES RUSSELL said, he could not see why, if the punishment of cashiering, which was one of great severity, might be inflicted upon an officer under this clause, his hon. and gallant Friends opposite who supported the second Amendment of the hon. and gallant Member for Galway (Major Nolan) should suppose that an offence for which a soldier might be tried under it might not be one of considerable magnitude, also deserving of severe punishment.

Mr. MEREWETHER pointed out that an offence which was perfectly obvious the moment attention was called to it, that of injuring the Revenue by destroying Her Majesty's coinage, had been declared in the Courts of Law this year not to be an offence under the existing Acts by two learned Judges; while two others, including the framer of the original Code, held that it was. That fact, he thought, was sufficient to show that it was not easy to provide for every offence specifically in an Act of Parliament, and it was very probable that the counsel for a prisoner before a court martial would not be very long in finding out some serious offence which was not defined in the clauses so carefully framed by the draftsman of the present Bill.

Mr. RYLANDS would remind the Committee that the Bill had been drafted with the greatest care by a gentleman whose experience extended over a long period of time, and that the utmost pains had been taken to include in it every known offence which was at all likely to be committed. To provide, however, for the possibility of there being some offence which was not contemplated by the framers of the Bill the words—

"That is to say, is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline,"

were embodied in the clause under discussion. That being so, and every serious offence being already provided for, it appeared to him, as it did to almost every hon. Member who had taken part in the discussion, that the punishment which might be inflicted under the clause should be limited as far as possible. If, therefore, his hon. and gallant Friend the Member for Galway did not press his first Amendment, he would, he hoped, at all events, take a Division upon the second.

Mr. MORGAN LLOYD was also of opinion that the words of the clause were so vague and uncertain, and allowed courts martial so great a latitude in the exercise of their discretion, that it was highly desirable the punishment which might be imposed under it should be limited. What, for instance, was an offence against good order? One commanding officer might think one thing amounted to an offence against good order, while another might be of the contrary opinion. Now, as every act which could amount

to a military crime was already comprehended within the provisions of some section of the Bill, it seemed to him that such a clause as that under discussion ought to be confined to offences of minor importance, and that latitude should not be given to tribunals acting under it to punish very severely acts which, in the estimation of one tribunal, might amount to offences, while another tribunal might be disposed to regard them as no offences at all. He hoped, therefore, the Government would accept the Amendment.

GENERAL SHUTE said, every hon. and learned Gentleman, and, indeed, every brother magistrate, must be aware that in Civil Law it would be simply an absurdity to attempt to define in detail every crime that could possibly be committed. It would be still more absurd to attempt to do so with regard to the maintenance of military discipline; nor was it likely that commanding officers would differ as to what offences were to the prejudice of good order. It was also extremely improbable that too severe a punishment would be inflicted under the clause, especially seeing that the sentences passed by courts martial had to be confirmed by the confirming officer, and had to be submitted to the Judge Advocate General's Department. There was no fear, therefore, of there being any such inequality, as some hon. Members appeared to apprehend, in the punishments awarded; nor did he think that there was the least cause for the alarm that a greater punishment would be imposed than was desirable or expedient. Some atrocious crime might be committed, especially on field service, which was not at all contemplated by the framers of the Bill, and for that the present clause would provide.

MAJOR NOLAN said, that in consequence of what had fallen from some of his hon. Friends near him, he would withdraw his first Amendment, and take a Division only upon the second. He might be allowed to point out, in reply to the hon. and gallant Member for Brighton (General Shute), that if the offence committed were an atrocious one, it ought not to be tried under the present clause at all; and the ingenuity of the hon. and gallant Gentleman would, he felt satisfied, very soon bring it under the operation of some of the preceding clauses in which the penalties for grave crimes were set forth. One very good

reason, in his opinion, for limiting the clause was that it was likely to be put into operation where there were officers who knew little or nothing about Military Law. The punishment which might be inflicted under it ought, for that and other reasons, in his opinion, to be diminished and defined. It was most injudicious, he thought, to retain the clause in the Bill at all; but if it was to be retained by way of experiment, it should be restricted as much as possible. He begged, however, to withdraw the Amendment before the Committee.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN moved the second Amendment, providing that in the case of a soldier the period of imprisonment should not exceed 84 days.

Amendment proposed,

In page 16, line 29, after the word "imprisonment," to insert the words "for a term not exceeding eighty-four days.—(Major Nolan.)"

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 68; Noes 198: Majority 130.—(Div. List, No. 98.)

CAPTAIN MILNE HOME begged to move the Amendment standing in the name of his hon. and gallant Friend the Member for East Suffolk (Colonel Barne), subject, however, to a verbal alteration for which he himself was responsible—namely, in page 16, line 30, after "mentioned," to insert—

"Where an officer has been convicted by a civil court of an indictable offence he shall cease from the date of such conviction to belong to Her Majesty's Army."

He cordially agreed with the Amendment, and trusted that the right hon. and gallant Gentleman would accept it.

SIR HENRY JAMES thought it impossible that the Proviso could be accepted, as under its terms an officer who had committed the most venial act would be bound to be dismissed from the Army.

CAPTAIN MILNE HOME said, he certainly had not been aware that such venial acts as instanced by the hon. and learned Member for Taunton were classed as indictable offences. He would not,

Mr. Morgan Lloyd

after such information from so great an authority, press the Amendment.

Amendment, by leave, *withdrawn*.

SIR ALEXANDER GORDON also wished to move an Amendment in the same terms as that of the hon. and gallant Member opposite (Colonel Barne), leaving out the words "or misdemeanour." He thought that an officer guilty of felony ought no longer to hold Her Majesty's commission, and was under the impression that in former years conviction of felony carried with it *ipso facto* dismissal of an officer.

THE CHAIRMAN pointed out that the clause did not contain the word "misdemeanour," and that, therefore, it could not be proposed to omit it from the clause.

SIR ALEXANDER GORDON complained of the noise in the House, which prevented him hearing the words of the Chairman. He begged to move, as an Amendment, in page 16, line 30, after "mentioned," to insert—

"Where an officer has been convicted by a civil court of felony he shall cease from the date of such conviction to belong to Her Majesty's Army."

SIR HENRY JAMES remarked, that the Amendment, as amended, was one which the Committee ought to consider well before giving it their acceptance, because, by the clause, an officer convicted of felony, however wrongly, and even if that conviction should afterwards be set aside, would have to bear the penalty of dismissal from Her Majesty's Service.

Amendment *negatived*.

On the Motion of Sir WILLIAM HARCOURT, Amendment made in page 16, at end of Clause, by inserting—

"Provided, That no person shall be charged under this section in respect of any offence for which special provision is made in any other part of this Act."

Clause, as amended, *agreed to*, and *ordered* to stand part of the Bill.

Offences punishable by ordinary Law.

Clause 41 (Offences punishable by ordinary law).

SIR HENRY JAMES moved, as an Amendment, in page 16, line 35, to leave out the words "has committed,"

in order to insert the words "shall commit."

Amendment *agreed to*; words *substituted* accordingly.

MR. PARNELL wished to move an Amendment which stood in the name of the hon. and gallant Member for Galway (Major Nolan), who was absent. The clause, which was very long and involved, gave power to try by court martial the offences of treason, murder, manslaughter, treason-felony, or rape committed in any place within Her Majesty's Dominions other than Gibraltar—

"Unless such place (where the offence is committed) is, in the opinion of the officer who convenes the court martial (such opinion to be expressed in the order convening the court, and to be conclusive), more than 100 miles as measured in a straight line from any city or town in which the offender can, within a reasonable time, be tried for such offence by a competent civil court."

He submitted to the Committee that the Proviso which he asked should be adopted was much more fitted to meet the requirements of cases contemplated by the Bill than the clause as it then stood. Within the United Kingdom it would, of course, always be possible to try an offender before a court of criminal judicature, so that no necessity existed for sending any person to be tried for a criminal offence by court martial. The case, however, would be different in India; but it would be met by the Proviso which he was about to ask the Committee to accept. The Saving Clause in the Bill gave great power and authority to the officer convening the court martial, which he (Mr. Parnell) submitted he should not possess. Practically, it gave him power to override the ordinary Civil Courts of the land by his own *ipse dixit*. The words of the clause he had already quoted made the officer judge both as to the distance and as to the time within which it was reasonable the offender should be tried. He did not think it right to leave such power in the hands of the officer convening the court martial, and therefore begged to move that, in page 17, line 1, after the words "courts martial" the words "if there is no possibility of trying the offender within a reasonable time before a competent civil court," be inserted.

SIR HENRY JAMES thought that the hon. Member for Meath (Mr. Par-

nell) had selected an inconvenient part of the section on which to raise his point. He (Sir Henry James), himself, shared the wish of the hon. Member to raise the question as to time and distance, but considered it better that it should be deferred until they came to the restrictive part of the clause, at which point he should be happy to support the Amendment of the hon. Member. As the clause stood, no person could be tried by court martial for these offences in the United Kingdom, and the point raised only applied to places beyond it.

COLONEL STANLEY agreed with the principle of the Amendment of the hon. Member for Meath (Mr. Parnell), but thought it advisable to retain the present wording, until some better limitation could be introduced, which he would be perfectly willing to consider and accept; and on this point he was in hope of receiving the assistance of the hon. and learned Member for Taunton (Sir Henry James). The object of the portion of the clause to which the Amendment applied was to prevent the jurisdiction of the court martial being void *ab initio*.

MR. PARNELL was willing to take the suggestion of the hon. and learned Member for Taunton (Sir Henry James), although he could not see how the question could be more suitably raised at that part of the clause to which he had referred. On the understanding that the hon. and learned Member would move a sufficient Amendment when that portion of the clause was reached, he (Mr. Parnell) was willing that the present Amendment should be withdrawn.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN proposed to add words to the clause, the effect of which would be to prevent any officer holding a court martial for the trial of the offences named, out of India, unless a competent Civil Court was at a greater distance than 100 miles from the place where the offence was committed. He thought this would make the Act somewhat more stringent as against the convening officer, to insert after the word "is," in page 17, line 26, the following words:—

"Situated in India or in any country in India under the protection of Her Majesty or in any place beyond the seas in which there is no civil judicature."

Sir Henry James

MR. PARNELL had a verbal Amendment to suggest in line 24—namely, after the word "manslaughter," to insert the words "treason-felony."

COLONEL STANLEY could hardly agree to the addition to the wording without some further consideration; but would make a note of the point, and bring it up on the Report.

SIR HENRY JAMES trusted that the Government would take into their serious consideration the question of trying by court martial the offence of treason-felony, which, of all others, was the most difficult to deal with, and admitted of great latitude of definition.

Amendment (*Mr. Parnell*), by leave, *withdrawn*.

MAJOR NOLAN moved the Amendment of which he had just given Notice.

COLONEL STANLEY said, it was very difficult to get at the exact sense of a verbal Amendment at a moment's notice. At first sight, it appeared to him wiser to allow the clause to remain as at present; but he was quite willing to take a note of the suggested alteration.

MAJOR NOLAN explained that his Amendment would prevent military courts acting for the trial of offences named in the clause in any of the Colonies, even if they were 100 miles away from a town in which civil judicature was in force, but that it would not prevent them from acting in India.

SIR DAVID WEDDERBURN thought the words of the Amendment not well chosen, and to involve a repetition, unless the term "British India" was employed.

COLONEL STANLEY said, unquestionably, no officer would desire to try the crimes named in the clause by court martial; but it was necessary to make provision for the trial of such offences under certain circumstances by court martial—that was to say, when the trial by civil process would have to take place at a distance of more than 100 miles from the place where the offence was committed. He did not think it would be wise to limit the clause in the way proposed by the hon. and gallant Member for Galway (Major Nolan), but would carefully consider the point raised. In the meantime, he asked the Com-

mittee to allow the wording to remain as at present, on the understanding that it should be looked into on Report.

Amendment, by leave, *withdrawn*.

SIR HENRY JAMES said, in order to fulfil his promise to the hon. Member for Meath (Mr. Parnell), he would propose the Amendment standing in the name of the hon. and gallant Member for South Ayrshire (Colonel Alexander) which had not been moved. The offences named in the clause were not of a military, but of a civil character—*prima facie*, therefore, they should be tried by a Civil Court. But the Proviso in the clause gave absolute discretion to the officer convening the court martial to say—first, whether there was a competent tribunal within 100 miles, and from the exercise of that discretion there was no appeal; secondly, it was left to his discretion to say whether the person could be tried within a reasonable time. He thought that considerable discussion was desirable before the Proviso was agreed upon in its present form. With relation to what was the term “reasonable time” used? One officer might say—“I wish this regiment to march; I cannot try you before the regiment marches.” Therefore, the individual could be tried in a reasonable time with relation to the marching of the regiment. Another officer might say—“I cannot try you until the health of the regiment permits it;” in that case, the term “reasonable time” would be used with relation to the health of the regiment. In this way, power was given to the officer to supersede the jurisdiction of the Civil Courts, and to say—“I think the offender cannot be tried within a reasonable time; therefore, he shall be tried by court martial;” and, of course, there were circumstances under which that power might be exercised. All this was to apply outside the United Kingdom, and was, in fact, an extension of the Mutiny Act to all the Dominions of the Crown. This great extension of power claimed for, and to be placed in the hands of, a military officer, to shut out the jurisdiction of the Civil Courts of the country, he felt bound to oppose, and should, therefore, do all in his power to strike out the Proviso. He moved that all the words from the word “in,” in line 26, down to “conclusive,” in line 28, be struck out.

MAJOR O'BRIEN thought that the time within which an officer should be tried ought to be accurately fixed. Twenty years ago, a case had occurred of an officer being kept under arrest for six months, although the authorities to whom his case was referred were only 300 miles from the station; but they did not care to interfere during the hot weather in India. Again, an officer had been kept four months under arrest in Dublin, pending the settlement of the question as to whether he should be brought before a court martial or not.

MR. RYLANDS thought the Committee must have perceived that very serious matter had been introduced into the discussion. The Committee could not be expected to pass the clause in its present objectionable state; and he, therefore, appealed to the right hon. and gallant Gentleman to postpone it. He could not agree to allow the clause to pass out of the hands of the Committee until it had been put into proper shape. He did not doubt the intention of the Secretary of State for War to prepare another clause; but the Committee ought to see that it was entirely changed, and consider well the Amendment to be made before it was passed. He therefore suggested that the clause should be postponed, and that before the Committee met again the right hon. and gallant Gentleman should state the exact words which they were expected to adopt.

COLONEL STANLEY hoped that the Committee would see that the Government were anxious to prevent any possible abuse under the clause, which, for some reasons, he should be glad to see amended. The best plan, in his opinion, would be to leave out all the words from the word “in,” in line 26, down to “conclusive,” and also to leave out the words “within a reasonable time,” and he would bring up the words on the Report to make the meaning more clear.

GENERAL SIR GEORGE BAUFORTH said, that the law in India on this point was pretty well settled. It was the custom there from time immemorial to send at once for civil trial all cases where the offence had been committed within 120 miles from the Civil Court of the chief Presidency towns of Calcutta, Madras, and Bombay. The present Bill was pro-

posed to alter the distance from 120 to 100 miles. No reason was given for this trifling change. It had, however, the effect of changing a long-established course of action, and one that had been introduced after many difficulties. Beyond 120 miles the trials for offences which would within 120 miles be carried on before a Civil Court must be conducted by courts martial, and hitherto very fairly done. He trusted that the Secretary of State for War would consult those who were acquainted with the Indian practice in determining what the new clause should be.

SIR HENRY JAMES pointed out, that if the Proviso were allowed to stand in its present form, it would, *prima facie*, at once give military jurisdiction in cases of murder and treason, and he could not think that such was the intention of the Committee.

MR. PARNELL said, the limit of 100 miles from the place of civil jurisdiction was a bad one, and it would, therefore, be better to leave that an open question also. He suggested that all the words after "Gibraltar," in line 26, should be left out, in order to insert the words—

"Unless such place is so situated that there is no possibility of trying the offender before a competent civil court;"

and the right hon. and gallant Gentleman could then amend that on Report, if necessary. The proposed alteration would get rid of the limit of distance, and the authority of the convening officer, as well as the objectionable sentence with regard to the "reasonable time" within which an offender could be tried, while any securities that were found to be required could be added on the Report.

MR. HOPWOOD thought the word "civil," as contrasted with "military," made use of in the clause, was not the fittest that could be chosen. This criticism was merely verbal; but it was right to use accurate language if it could be found.

MR. STAVELEY HILL replied, that by the Definition Clause the words "civil courts" applied to any court whatever.

Amendment agreed to; words struck out accordingly.

Clause, as amended, agreed to, and ordered to stand part of the Bill.

General Sir George Balfour

Redress of Wrongs.

Clause 42 (Mode of complaint by officers).

SIR ALEXANDER GORDON moved, as an Amendment, in line 41, page 17, after the words "Commander-in-Chief," to insert the words "in order to obtain justice."

Amendment agreed to; words inserted accordingly.

SIR ALEXANDER GORDON moved, as an Amendment, in lines 41 and 42, to leave out the words "who shall cause his complaint to be inquired into," in order to insert the words "who is hereby required to examine into such complaint."

Amendment agreed to; words substituted accordingly.

SIR ALEXANDER GORDON moved, as an Amendment, in page 18, line 2, after the word "thereon," to add these words—

"In India any such officer may complain to the Commander in Chief in India, who, if he is unable to give such officer the redress to which he may consider himself entitled, shall forward the complaint to the Commander in Chief to be disposed of as above directed."

In some of the Presidencies of India, an officer was allowed to complain to the Commander-in-Chief; but in others, an officer would be obliged to complain to a civil authority. The object of the Amendment was that an officer who felt himself aggrieved should have the right to complain to the Commander-in-Chief of the Army. This right was possessed by the officers in China, and was, indeed, acknowledged all over the world.

COLONEL STANLEY thought that Subsection 3 of Clause 170, page 98, which ran thus—

"Any officer belonging to Her Majesty's Indian Forces who thinks himself wronged by his commanding officer, and on due application made to him does not receive the redress to which he may consider himself entitled, may complain to the Commander-in-Chief in the Presidency," &c.

would carry out the principle desired by the hon. and gallant Member to be established.

SIR ALEXANDER GORDON remarked, that this was a good illustration of the answers received in the

House of Commons, as well as of the way in which the Bill had been prepared. The clause referred to by the right hon. and gallant Gentleman applied to officers of the Indian Army alone.

SIR WALTER B. BARTELOT agreed with the proposal of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), and hoped that the right hon. and gallant Gentleman would see his way to put the words into the Bill.

GENERAL SIR GEORGE BALFOUR hoped the right hon. and gallant Gentleman the Secretary of State for War would take up the point, and see what could be done to settle the matter; at the same time, he trusted that the complaints of officers would not be allowed to come through the Council at home, because they would do all they could to prevent redress being given. The quotation of the right hon. and gallant Gentleman referred entirely to the Indian Forces; but the Committee had to deal with that portion of the English Army serving in India, and, in fact, subordinate to the Indian authorities.

SIR JOHN HAY trusted that the Amendment would be accepted by the right hon. and gallant Gentleman the Secretary of State for War.

MR. RYLANDS considered the Committee had reason to complain that the right hon. and gallant Gentleman had referred, in answer to the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), to a portion of the Bill which had no relation whatever to the point under discussion. The portion of the Bill referred to concerned the Indian Army alone, and the statement of the Secretary of State for War was, therefore, unintentionally, misleading. He (Mr. Rylands) was the more surprised at this, because at the side of the right hon. and gallant Gentleman sat the right hon. and learned Gentleman the Judge Advocate General, who, from his great knowledge of this subject, should have prevented his falling into that error.

COLONEL STANLEY said, the question was, how to deal with the appeal of officers, as regarded the commanding officers in India? Either the officers were officers of the Indian Forces, or they were officers of Her Majesty's Forces serving in India. If they were

officers of Her Majesty's Forces serving in India, they had a right to appeal under the present clause—42; but if they belonged to Her Majesty's Indian Forces, then their appeal lay under Clause 170.

GENERAL SIR GEORGE BALFOUR referred to the cases of officers in India whose complaints had lately been subjected to inquiry by a Select Committee, on which the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) and the right hon. and gallant Baronet the Member for Stamford (Sir John Hay) and himself had served. It was there proved most conclusively that though the Commander-in-Chief at home had been made acquainted with the complaints of certain Indian and Royal Artillery officers, yet did not consider himself justified in interfering; and he (Sir George Balfour) considered it a very proper thing that he should not have directly interfered in a case of complaints which appertained to the Indian Government. The question as to the mode of appeal for officers in India was by no means clear, and he thought that it should be provided for at the present opportunity. The Bill did not, however, do so in a satisfactory form. The kinds of complaints that might be, indeed, the complaints that were under the consideration of the Select Committee were of a character far beyond the powers of any military officer to settle. They affected the Indian Government both in India and in England; and, therefore, the Bill ought to provide for all such cases.

MR. PARNELL wished to understand the position. Had the Amendment of the hon. and gallant Gentleman (Sir Alexander Gordon) been agreed to by the Secretary of State for War?

COLONEL STANLEY replied, that he had not agreed to it, for the reason that he understood it to be already provided for by the Bill. The officers of the Army serving in India would not lose their right, under Clause 42, to appeal to the Commander-in-Chief. With regard to the officers of the Indian Forces, their mode of appeal was stated in Clause 170, as he had already pointed out; and their ultimate appeal lay to the Governor of the Presidency, who had power, if he thought it right, to forward the application to the highest quarter.

Mr. HOPWOOD inquired to which Commander-in-Chief the appeal lay? It had been answered, to either of them; but that could not be. The Commander-in-Chief in India might have power to remedy the grievance of an officer; if so, that was only saying that the appeal should be made to him in the first instance; but if that was not the case, it was saying that the appeal should lie to the Commander-in-Chief in England. It was this appeal which was desired. It ought to lie in all cases from officers serving in the Queen's Forces in India to the Commander-in-Chief in England.

GENERAL SIR GEORGE BALFOUR reminded the Committee that in India, where the Government was supreme, no power which any Commander-in-Chief possessed, either in India or in England, could deal with. No military authority, however high, could go beyond that of the Viceroy, unless to thrust upon the Field Marshal Commanding-in-Chief a right of interference with the Government of India far in excess of the functions confided to him under the Order in Council of 1870. It was, therefore, necessary to provide that the complaints of officers should in some way or other not only reach the Commander-in-Chief in England but also the two Secretaries of State for India and War. He therefore hoped that the Secretary of State for War would take proper means to redress the constantly-recurring grievances of officers serving in India by insuring a channel of communication through which the claims and complaints might be subjected to the Cabinet.

SIR JOHN HAY said, according to Clause 42, an officer might complain to the Commander-in-Chief in India, who would send the complaint to the Secretary of State for India. The officer would then find himself in difficulty between the right hon. and gallant Gentleman the Secretary of State for War, and the Secretary of State for India. What was wanted was that the Commander-in-Chief in India should receive the officer's complaint, and forward it to the Commander-in-Chief in England, who should take care that no disputes arose between the great Departments of State, owing to which the grievances of officers might remain unredressed. It was true that, under Clause 170, the

officers of the Indian Army had a right of appeal which was now sought for the officers of the English Army; and it was asked that such appeal should come home to the Commander-in-Chief here, and, eventually, that the Secretary of State for War should place it before Her Majesty.

Mr. MARTEN pointed out that Clause 180 expressed the Commander-in-Chief to mean the Field Marshal or other officer commanding-in-chief Her Majesty's Forces for the time being. The present clause, therefore, would provide for the complaint going to the Commander-in-Chief—that was to say, under the present system, to the Field Marshal Commanding-in-Chief Her Majesty's Forces for the time being.

SIR ALEXANDER GORDON said, that the views of the hon. and learned Member for Cambridge (Mr. Marten) did not at all meet the case. The section, quoted from page 98, applied solely to the officers of the Indian Service, who had nothing whatever to do with the British Service, and whose complaints, therefore, it was proper should be settled by the Government under which they were serving. But the Queen's officers should be dealt with as they would be in China or in North America. He felt sure that if the settlement of the question was put off, the Committee would be told, when they reached the clause referred to, that it had nothing to do with the Queen's officers; moreover, he wished it to be understood that he had not put down this Amendment without well knowing the cases to which it would apply. Officers serving in India made complaints which went up to the Presidency, where they were dealt with as Government questions—the civilians disposing of military matters which ought to have gone to the Commander-in-Chief. That was the grievance of the Army. The officers desired to be protected in India as they were in other parts of the world. When these complaints came before the Secretary of State for War, the reply was that he could not interfere in matters relating to India; and when they came before the Secretary of State for India, his reply was that he knew nothing about them. The remedy desired, therefore, was that officers serving in India should have the opportunity of bringing their

grievances to the knowledge of the Commander-in-Chief in England, and he hoped the right hon. and gallant Gentleman would agree to the insertion of the words proposed.

COLONEL STANLEY agreed with the principle that an officer, in making an appeal, should not be shuttle-cocked about; but, as it was laid down, officers serving in India came under Clause 42, and had their right of appeal accordingly, it mattered not whether their complaints went to the Commander-in-Chief or the General Officer commanding, both of which officers were but the channels through which the complaints were forwarded. If he found that his impression was wrong, and that the hon. and gallant Member for East Aberdeenshire was correct in the view he had taken, he would agree to the insertion of the words on Report.

SIR ALEXANDER GORDON said, he was perfectly satisfied with the statement of the right hon. and gallant Gentleman; and, therefore, he should withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, there appeared to be some confusion between the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon) and the Secretary of State for War. The argument of the hon. and gallant Baronet came to this—that although the officer in India—serving in India—nominally retained his status and right of appeal under Clause 42, yet, owing to the distance of England from India, it was impossible for him, practically speaking, to make this appeal within any reasonable time; and although there was a Commander-in-Chief in India, the Commander-in-Chief at home did not consider himself competent to interfere in the matter. Then came the question between the different Secretaries of State—the Secretary of State for India, and the Secretary of State for War. The Secretary of State for War did not consider himself properly qualified. This appeared to him (Mr. Parnell) to be the argument of the hon. and gallant Baronet. Of course, if he only desired to reserve the technical right of an officer in India to appeal, he would have gained his purpose by the promise made by the Secretary of State for War.

MAJOR NOLAN expressed his regret that some of the clauses in the Bill were not dovetailed. The case was made much worse for the soldier than for the officer. But the Government had introduced into this clause great practical changes. They read very well; but he doubted whether they would work well. There was, for instance, the case of an officer making a complaint against another officer—affecting the character of another officer—or of a soldier making a complaint. What was in the mind of the draftsman of this Bill? Clearly, his object must have been to discourage complaints. The old Articles of War were in the other direction—they encouraged complaints, so as to leave a safety-valve. They gave an officer or a soldier full permission to bring complaints before their superior officer, if they felt themselves aggrieved. There was no penalty on an officer bringing a complaint and failing in it, though there was on the soldier; but there was this provision—that if he brought a complaint before the regimental court—if he appealed to a higher court—he might be punished, if the appeal was found to be frivolous and groundless. The same was the case exactly with regard to the soldier. He thought there was a very great change being introduced by this penal clause, thus adding to the old Articles of War. They now said to a man who made a complaint—"If you make a false statement, you are liable to be tried." At first sight, that seemed fair; but what about the working of it? The man complaining would differ in some matter of fact from his commanding officer; there was nearly always a difference as to a matter of fact, and if there was a difference, it might fairly be said to "affect the character" of somebody. It might, for instance, affect an officer's military character to say he lost his temper, or something of that sort; and in the majority of cases of serious complaint they would have some statement affecting the character of an officer. What he believed would happen under this new Act was this—and it was designed, he was satisfied, for the purpose—when an officer made a complaint, instead of pressing it against his commanding officer, he would be put on his trial, and the commanding officer would be told he must prove the charge against the junior officer, who would be told he

had made a false charge. The effect of this alteration, instead of assisting complaints, would land the junior officer in a trial in which he would be charged before a court martial for making a false statement. The superior officer would not know that he had made a false statement; but he would say we must investigate, in the same way, this fact; and in that way the junior officer would be placed on his trial. Perhaps, in the great majority of cases, the officer would not be tried; but if one was tried out of 50 who made complaints, it would be quite enough to establish the grievance which he had pointed out, and to stop the great bulk of complaints. It would stop the safety-valve which existed at present—the right of making fair and legitimate complaints of grievances. He thought the right hon. and gallant Gentleman ought to point out why this clause was being introduced. They were removing by this clause the soldier's only safeguard. No soldier under the clause could make a complaint without being made liable to punishment. They might reply—"Well, let him make no false statement." He believed, in the majority of cases, both sides were in the right, and that the facts were as they stated them; and the result would be that a man would be tried for making false statements when, in fact, he had told the truth. When they came to Clause 43, he would show how very much worse the soldier's case was made than it was at present. It behoved the Secretary of State for War to show to the Committee why he had departed from the old Act. He should, in page 18, line 2, move to leave out all the words after "thereon," to the end of the clause.

MR. STAVELEY HILL said, the Committee upstairs had agreed unanimously to the clause. The object of the insertion of the words was clear. It was to prevent false charges. The Committee deemed it proper to make this a specific offence. Let him point out that the words were "knowingly making a false statement," and concealing any material fact. He asked whether "knowingly making a false statement" was not a matter which should be punished?

MAJOR O'BEIRNE, in reply to the statement of the hon. and learned Gentleman opposite (Mr. Staveley Hill), wished to say that the Committee gave

hardly any time at all to the consideration of the clause. They were unanimous, for the simple reason that they were helpless, and the clause was hurried through from beginning to end, and was not discussed at all.

MR. STAVELEY HILL said, that if the hon. and gallant Member for Leitrim would look, he would find that the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) took a division on another part of the clause.

MAJOR NOLAN wished to point out that his hon. and gallant Friend (Major O'Beirne) and the hon. and learned Gentleman opposite (Mr. Staveley Hill) differed as to a matter of fact in the Committee of which they were Members. This was exactly a point on which an officer would be tried. If a junior officer put the statement in writing, he would probably be tried for making a false statement. The provision in the new Act was a dangerous one. Here they had two hon. Members differing as to a matter of fact; but under this Act the mode of investigation would be to try the complainant. This was the dangerous feature to which he most strongly objected.

COLONEL MURE said, that hon. Gentlemen who complained of this clause were the same who complained of the "Devil's Clause." Offences of this kind must be punished; and if that were so, surely they ought to make the matter clear. He hoped the hon. and gallant Gentleman would give way.

COLONEL STANLEY rose to explain that it was not a false statement as to fact, but false statements affecting the character or wilfully suppressing any material facts. As to matters of fact, no court in the world would convict a man for a statement, unless it was convinced of the intention of the person making the statement.

MR. HOPWOOD said, the Committee was discussing a very important point—the possibility of the accuser being brought to trial. He agreed, on the face of the thing, "knowingly making a false statement," and "wilfully suppressing facts," were strong terms; but, taken in connection with the words with which they were placed in juxtaposition, "by himself making complaint first," something like a menace was held out, or a

warning was given to the man not to make any complaint at all. He would put a case which frequently occurred at law. A man made a charge against another, and he was tried. The accuser failed to substantiate the charge. The party accused could retaliate; but how? He might indict the man for perjury; but the law said—"Oh, no! we cannot take merely your counter-statement against that of the accuser. You must have two witnesses as to the fact, proving his statement to be false and wilful. Your mere affirmation that the charge made against you is false is not sufficient to enable us to convict him of perjury. If you wish to show that the charge was the result of mere vindictiveness, you must strengthen that by at least two witnesses, and we require two witnesses in support of your statement."

SIR ALEXANDER GORDON said, he wished to support the objection taken by the hon. and gallant Gentleman (Major Nolan). They were, no doubt, re-enacting a clause which already existed; but they were putting a very important rider to it—a rider which said to the man bringing the charge—"Take care what you are about. You will be tried by court martial." That was a most serious thing to say, by Act of Parliament, to a man who had a grievance. He had often heard complaints of soldiers, and there was always a tendency on the part of commanding officers to prevent men making complaints. A commanding officer always disliked a man coming before him to make complaints, or before the general; but it was the duty of every general to see that every soldier had the right of complaint, and that he was not punished if he made it properly. He had ordered a man to be tried for making improper complaints, and he thought the case was already fully provided for. Therefore, he thought it would be better to omit the clause altogether, as it was useless.

MAJOR NOLAN said, there was one point to which he wished to allude, and that was with reference to the evidence given before the Committee on the Mutiny Act. He thought, if anyone looked at the list of witnesses there, he would see that the people who gave evidence were those who, in many cases, had frightful bothers with complaints. He did not think the Committee had one witness of the class of men who complained. The

Committee had been hearing one class of witnesses; and it was rather better, he thought, for the Committee of the Whole House to hear all sides of the story. The safe right of complaint was a safety-valve for discontent. Abolish, or nearly abolish, that right, and they would remove the safety-valve. The men would interpret the clause as meaning that, however true, the complaints were not wanted.

MR. STAVELEY HILL wished to read a few lines from the evidence of the Commander-in-Chief. "I think it a great pity," said His Royal Highness, "that any restriction should be put upon the right of complaint." Now that it was supposed an attempt was made to interfere with that right, he wished to remind the Committee of the evidence given on that head by the Commander-in-Chief.

MR. RYLANDS said, that it might be perfectly true this statement was made; but therewas nothing to justify this extraordinary change in Military Law. Under the Articles of War, there was every encouragement given to complaints. The object had been not to sit on the safety-valve in dealing with the Army. The right of complaint—the free exercise of the right of complaint—was the safety-valve; and, instead of leaving it in the way in which the Articles of War placed it, they attached to this clause, which provided for the redress of grievances, a warning which no human being could doubt would be understood by junior officers and soldiers as meaning that if they brought complaints against their superior officers it would be at their own risk. He should resist the change as altogether unwise.

MR. PARNELL said, as the proceedings of the Committee had been referred to, he, as a Member of that Committee, thought it right to say that they should not rely too much on them. They were very much hurried, and if hon. Members would study the Report of the Committee, he thought they would find that the Report was drawn up in such a manner that they ought not to attach any great importance to the conclusions arrived at. They had none except official witnesses, and very few of those. They were Horse Guards' witnesses. So far as he was concerned, he agreed to everything, because he saw there was no use pro-

posing. They were put to a task which could not be performed in two or three Sessions.

MR. HOPWOOD said, their opposition to the clause was so rooted that he thought it would be well if the question were taken into consideration by the Secretary of State for War. At that hour (15 minutes to 7) the clause could not be disposed of. The clause proposed, in effect, to abolish a right which they were all anxious to secure to the men.

SIR JOSEPH M'KENNA said, he thought this provision gave a complete discouragement to any man making a complaint. He had had a good deal to do in civil matters with receiving complaints, and he could assure the Committee it was very difficult to get men to make complaints, even where they were aggrieved; and where the discipline of the Service in which they were engaged was involved, the difficulty always was to get men to impeach authority, even when right. A man had a great deal to contend with before he made up his mind to bring a charge against a superior. If, in addition to the natural reluctance to accuse a superior, he had to labour under the reflection that, when he did bring a charge, if he did not prove the charge, he would be liable to imprisonment in addition to the imputation that he brought a false charge, the proper exercise of the right of complaint would be seriously curtailed. He knew of one case where his own judgment went wrong. He thought a man brought a false charge; but afterwards the charge proved to be true, and it would have involved a serious injustice if the man, immediately after bringing the charge, were tried for bringing it forward. A case occurred to him at the moment. A man made a charge against a respectable party placed over him in authority. It was apparently so absurd that he did not investigate it, especially as the party bringing the charge made a mistake in one very important point, which would seem to destroy his veracity. The charge, however, was true, for all that—and was the man's whole evidence to be discredited?

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again this day.

Mr. Parnell

And it being now Seven of the clock, House suspended its sitting.

House resumed its sitting at a quarter after Nine of the clock.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

BREWERS' LICENCES.

MOTION FOR A SELECT COMMITTEE.

MR. KNATCHBULL-HUGESSEN, in rising to call attention to Brewers' Licences; and to move for a Select Committee to inquire into the nature and incidence of the Tax upon Brewers' Licences, said: Sir, although it may seem rather a paradoxical statement, I feel that the task which I have undertaken to-night is, at the same time, easy and difficult. It is easy, because I have a good cause and a strong case. It is difficult, because in these days, when public attention is concentrated upon foreign policy and Colonial difficulties, it is not without an effort that the mind of Parliament can be brought to turn itself to the more prosaic subject of the details of home taxation. Moreover, Sir, the difficulty is increased by the fact that no immediate remission can be expected, even if I prove to demonstration my case against the tax of which I complain to-night. No remission of taxation can be expected, under ordinary circumstances, without a surplus. To such a luxury the Chancellor of the Exchequer has long been a stranger; and I fear that, unless and until, happily for him, there should occur an interregnum of Liberal Government, it will be long indeed before he has another surplus to distribute. But, properly considered, this circumstance rather strengthens my position. If the Chancellor of the Exchequer possessed a surplus, he would be puzzled and embarrassed between the rival claimants upon his bounty. As it is, the prospect of such a state of things being remote, his mind, and the minds of other men, are in a state of calm impartiality, which renders the moment peculiarly opportune for a full and fair

inquiry into the case of any particular interest which complains of undue taxation. And therefore, Sir, I ask for a Committee, to inquire into the nature and incidence of the tax upon brewers' licences. And here, Sir, I pause for a moment to sweep away, if I can, a prejudice by which I am encountered upon the very threshold of my argument. Brewers are popularly believed to be a wealthy class, well able to endure taxation. In fact, it is a common opinion that, in these bad times, the three b's—the brewers, the bankers, and the butchers—are the only bees who have any honey left in their hives; and the brewers have certainly not obtained much sympathy from the public. But I venture to say that this arises entirely from a want of knowledge of the true facts of the case. The truth is that when we in this House speak of brewers, our thoughts instinctively turn to my hon. Friend the Member for Derby (Mr. M. T. Bass). Well, Sir, if all brewers were in the position of my hon. Friend, they would probably be rather the objects of envy than of commiseration. By the exercise, from a very early period of life, of a skill, energy, and perseverance rarely equalled in the history of mercantile enterprise, my hon. Friend has, no doubt, acquired a high financial, as well as a high commercial, position, and this I am sure no one will grudge him who knows, as I know, the kindly qualities of his heart, and the sterling worth of his character. But you must not take my hon. Friend, nor must you take the half-dozen representatives of great brewing companies who sit in this House, as fair samples of the brewers upon whom falls the pressure of this tax. On the contrary, I put this forward in the very front of my argument, that the tendency and effect of this particular taxation is rather to create and foster a monopoly in the hands of a few great and prosperous houses, and to drive out of the trade their smaller competitors, who, in the interest of the public, should be allowed to exist. And if you point to my hon. Friend and say—look how flourishing he appears to be—is this the man whom you seek to relieve from taxation? I answer you with the fact that 12 years ago my hon. Friend was one of nearly 38,000 brewers in the United Kingdom, and that to-day he is one of less than 24,000; the fact

being that during the last 12 years more than 1,000 brewers per annum have been driven out of the trade, mainly owing to the injurious pressure of the exceptional taxation to which they are subjected. And let me respectfully remind the House that it is no answer to this statement to say, as was said by the Chancellor of the Exchequer in the course of a former debate upon this subject, that before the imposition of this tax in 1862 the number of brewers throughout the country had been on the decline. That argument, if it is worth anything at all, may show that even before 1862 the disadvantages under which the trade laboured were already so great as to drive men out of it; but surely, to a logical mind, this can be no valid reason for greatly adding to those disadvantages. It is an indisputable fact, take it as you will, that since the establishment of the present system of brewers' licences, the number of brewers has decreased far more rapidly than was previously the case, and that, according to present appearances, things are working to this result—that in a few years the brewing trade will be a gigantic monopoly in the hands of a few great houses. There are those who know this well, and there are some persons connected with these great houses who know it so well, that they do not wish success to our movement against this tax, because, if successful, it will militate against the creation of a monopoly which will greatly benefit themselves. But I ask hon. Gentlemen who are the champions of free competition in this House, whether they are prepared to acquiesce in the present system, and thus to assist in creating a monopoly in one large trade; and I ask those who are the champions of temperance, whether they think that the cause of temperance will be promoted by giving to this branch of the drinking trade such enormous power for action upon the Legislature as would undoubtedly be given to it by its concentration in the hands of a few individuals? And let me here say one other word to the champions of temperance. I am as much an advocate of temperance as any man in the House, although I utterly decline to believe that the cause of temperance can be advanced by unnatural and galling restrictions. But I want to put this to my hon. Friends—that the

drinking of spirits is worse for man than the drinking of beer, and that if they desire men to abstain from the one, they should not look with disfavour upon the trade which supplies them with the other. You cannot abolish the trade of a brewer; if you wish to do so, and think you can succeed, make your proposal boldly. But if the trade of brewing is to continue a legitimate trade, you will gain none of your objects by supporting a tax which is gradually making it a monopoly. This trade has a right to be treated as justly and as fairly as any other trade; and to drive out of it all but the larger traders will not cause one pint of beer less to be drunk in the country; will not promote the cause of temperance in the smallest degree, but will simply deprive the public of the advantages which they obtain in all cases from free and fair trade competition. Let me prove this from the last Return presented to the House on the subject. The total number of brewers in 1877 was 24,747; in 1878, 23,626: decrease, 1,121. Of these, the number of brewers who brewed over 50,000 barrels was, in 1877, 72; in 1878, 73: increase, 1. So that the larger brewers held their own. But the number of brewers who brewed less than 1,000 barrels was, in 1877, 19,682; in 1878, 18,678: decrease, 1,004; clearly showing that the diminution in numbers comes from the small traders, and that it is continuously going on. [*Laughter.*] I see that the Chancellor of the Exchequer laughs at this statement; but, whatever be the cause of the declension in the number of small brewers, I cannot think it a subject to be treated with levity, or that it can be a salutary state of things which thus forces men to abandon a legitimate trade at the rate of over 1,000 barrels per annum. And now, Sir, as I am most desirous not to occupy the time of the House for one moment longer than I can help, I do not propose to enter upon any long and minute history of the tax upon brewers' licences, nor to show how the brewers are called upon to bear at once the old duty of 4d. per lb. of hops, the new duty of an additional 1d., and the 5 per cent added in 1840 and never taken off. I will simply take up the question from the period of 1862, when the present system was established. And if I can show—first, that the arguments then

used to justify the imposition of this tax have all been contradicted by the experience of time; and secondly, which is more important still, if I can show that the tax in itself is vicious in principle, unjust, irritating, and contrary to every principle of sound and fair taxation, then, Sir, I think I shall have gone far to prove that there is good reason at least for the inquiry which I have to demand to-night. In order to prove my first proposition, I must refer to the Financial Statement of my right hon. Friend the Member for Greenwich, in which he dealt with this question and imposed this tax. My right hon. Friend was about to abolish the hop duty, and he proposed this tax on brewers' licences as a kind of substitute. I think he fell into some slight error in believing that the brewers had been the promoters of the agitation for the repeal of the hop duty. That was not so. The agitation was a *bona fide* agitation on the part of the hop-growers, *quorum pars parva fui*, and the brewers had but little to do with it, although they may have sympathized to some extent with an object so thoroughly legitimate. But, be this as it may, after announcing his intended boon to the hop-growers, my right hon. Friend turned his attention to the anomalous state of the then existing scale of charges for brewers' licences. He said that—

"The charge is arranged on an ascending scale . . . which, on the slightest inspection, will be seen to be eminently burdensome to the small tradesmen, and in favour, I must say, beyond all bounds of the larger."

He pointed out that if a brewer brewed less than 20 barrels he paid 10s. 6d. for his licence, or 6½d. per barrel; if he brewed 50 barrels, he paid £1 1s., or 5½d. per barrel; if he brewed 1,000 barrels, he paid £2 2s., or ½d. per barrel; whereas, if he brewed 80,000 barrels, it worked out at ¼d. per barrel. And he said that this was "a state of things which in common justness and fairness warranted an alteration." Now, the proposal of my right hon. Friend was—

"To re-adjust the scale of the brewers' licences on the principle of including in them generally an equivalent, or nearly an equivalent, to the charge in respect to the present hop duty from which they will be released."—[3 *Hansard*, clxvi. 479.]

He said—

"Threepence in the form of hop duty is the minimum which the brewer now pays as an ele-

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ment in the price of his hops, and that minimum we propose to charge in the shape of licence duty."—[*Ibid.* 480.]

This was his calculation—A duty of 3*d.* represented 2 lbs. of hops, and 2 lbs. of hops, used with 2 bushels of malt, represented a barrel of beer containing 36 gallons. The duty thus imposed, then, was 3*d.* per barrel, or equal to 1*s.* per quarter upon the malt used. But it unfortunately turns out that although it was estimated in 1862, and the Excise still estimate, that every quarter of malt will produce four barrels of beer, and exacts the tax in accordance with this estimate, experience proves the estimate to be wholly fallacious. Now, as one example is as good as 100 in a case such as this, I will quote one in order to show how erroneous this estimate was, and how the trade has suffered in consequence. A firm of brewers in London consumed last year 193,416 quarters of malt, which was estimated to produce 773,669 barrels of beer, and the duty paid was £9,671 5*s.*; but the quantity of liquor in reality made was only 613,310 barrels; so that a tax of 3*d.* per barrel was paid upon 160,357 barrels which were never made, and the firm thus paid £2,004 9*s.* 3*d.* upon an article which was not produced. And in different amounts this has, of course, been the case throughout the whole Kingdom. Therefore, the main calculation, and one of the main arguments upon which my right hon. Friend founded his justification of this tax, has proved to be fallacious, and affords no justification at all. Again, my right hon. Friend stated as another reason why this tax would not press unfairly on the brewers that they would benefit by a lower price of hops. He said—

"No doubt, the brewers will obtain, though not, perhaps, at the very moment, the whole further benefit of the reduction of the hop duty which we now propose."—[*Ibid.*]

What has been the fact? I find from the books of one large brewing firm this record—that for the seven years from 1856 to 1862 inclusive, the average price which they paid for their hops was £5 10*s.* 11½*d.* per cwt; whilst for the 16 years which have elapsed since the repeal of the hop duties, the average price which they have paid has been £5 15*s.* 5½*d.*—including last year, when the mould affected a large acreage of hops, and the price only averaged from £3 10*s.* to £3 15*s.*

—so that instead of the brewer recouping himself for the licence duty by the lower price which he has had to pay for his hops, it has been rather the other way, and the justification of this tax also falls to the ground. Therefore, I think I need not go further to prove my first point—namely, that the arguments by which the imposition of this tax was justified have been contradicted by the experience of time. Now, to summarize—1st, the estimate of the yield of the article upon which the tax was based has been shown to be erroneous; 2nd, instead of being an equivalent for the minimum of hop duty previously paid, it has been much more than an equivalent; 3rd, the brewers have not received the benefits prophesied for them at the time of the repeal of the hop duties in the shape of the lower price of hops. And I may further add that the intention of my right hon. Friend having evidently been to assist the smaller brewers in their competition with the great houses, that benevolent intention has been entirely frustrated, and the last state of those men has proved to be worse than the first. I acknowledge, indeed, that the Chancellor of the Exchequer did attempt to relieve them, in 1875, by the substitution of a 12*s.* 6*d.* tax per 50 barrels in lieu of the former sliding scale; but the boon was small after all, and the £60,000 lost to the Revenue was not given to the small brewers only, but was shared by their larger brethren. But I have now to show what are the specific and grave objections to this tax as a tax, and what are the special grievances of those whom I represent. I have gone very carefully into this subject, and I find eight principal and separate objections which can be urged against this tax. The first of these is, that it is an exceptional tax to which no other trade is subject. Other licence taxes are entirely different. I will not use my own arguments here. I will take my powder out of the enemy's magazine, and quote the words of my hon. Friend the present Secretary to the Treasury upon this point, in 1873, when he had charge of this question. He said—

"When the wine duty was reduced from 5*s.* 6*d.* to 1*s.*, no equivalent duty was placed on the wine merchant. A wine merchant who desired to import or sell a cask of wine paid 10 guineas, and he paid no more whatever number of casks he sold or imported. A distiller, who was more akin to the brewer, paid a double duty

—namely, 10 guineas for his licence and 10 guineas for the privilege of rectifying. That was a fixed tax, and enabled him to deal with any quantity."—[3 *Hansard*, ccxv. 907-8.]

I quote, moreover, the speech of my right hon. Friend the Member for Greenwich in that same debate, when, after saying that the peculiar hardship alleged in regard to this tax was that it was based on conditions "such as were imposed on no other trade or calling," he went on to say—

"He admitted that there was no case analogous to the brewer's licence."—[*Ibid.* 911.]

I go no further at this moment than to object to this tax as exceptional, and I say that this first objection cannot be denied, and is, of itself, condemnatory of the tax. The second objection is, that this tax is not what it pretends to be—a licence duty. It is, in reality, an additional 1s. upon the malt tax of 21s. 8d. per quarter, which the brewer pays besides—a most exorbitant tax, indeed, when the price of his barley is 31s. per quarter. This tax fulfils none of the usual conditions of a licence duty. A licence duty confers a monopoly of the sale of the article for the right of selling which the duty is paid. So, in the case of distilleries, no private stills are allowed; and, moreover, I may remark, the duty is only payable when the spirit is withdrawn for sale. But, in this instance, mark the difference—the public brewer, who brews to get his living, is taxed; the private brewer, who brews for his convenience, is untaxed. Put it in other words. The brewer who exchanges the article which he produces for money is taxed. The brewer who exchanges the article he produces for the labour of his servants, or who produces it to save himself the greater expense or trouble of buying it, is left untaxed. And who are the private brewers whom you thus favour in your taxation? Not poor men, but men possessed of wealth and owning large establishments; so that you have the rich lord brewing without being taxed, whilst the struggling brewer in his village is weighted with taxation. The injustice is so palpable that it was admitted by my right hon. Friend the Member for Greenwich in 1862, when he actually proposed a licence for private brewers—save such as were farmers or of the labouring class—which he had to withdraw in consequence of the opposi-

tion it encountered. I know it is said that the number of private brewers has not increased since 1862; if the contrary were the case, the hardship upon the brewing trade would, of course, be aggravated; but the fact does not remove the manifest injustice of the present system. The third objection to the tax is, that it is a second Income Tax, and one of a most unfair character, inasmuch as it is a tax upon the capital of the brewer before he begins his operations; and not only not a tax upon profits, but a tax totally irrespective of profits altogether. The brewers have to pay six months in advance, and if the brewing is spoiled, and is unsaleable, they have to pay just the same—or, rather, they have paid before they have got one sixpence of return for their outlay, and this totally irrespective of profit and loss. There is no deduction for bad debts; there is no consideration whatever of the result of the operation of brewing. An arbitrary estimate of the quantity of liquor to be produced by the quantity of ingredients used is made—that estimate I have already shown to be fallacious, yet the tax is based thereupon—and the brewer has to pay this second Income Tax upon an income which he has not made, and which he often never makes. And then, as if this was not enough, the Income Tax collector comes, and he is assessed to the Income Tax upon the fallacious estimate of profits established by the Excise, and thus doubly robbed. Can anything be more iniquitous? The fourth objection is, that it is a most inconvenient tax, and imposes great restrictions upon a legitimate trade. The brewer has to give 24 hours' notice before brewing, and two hours' notice of ingredients intended to be used; neither of these notices can be altered. He has also to provide special rooms for sugar and malt. His mash tuns can only be filled at specified times, and emptied after Excise inspection. If, after giving his first notice, an order comes which requires a greater quantity of malt, he must give a fresh 24 hours' notice. If an order is countermanded, so that he requires less malt, he has still to pay the full duty on the quantity for which he had first given notice. Other notices are required, and, in a word, the brewer lives under the supervision of the Excise-man, and really works in fetters as no other tradesman does in this country.

And these inconveniences do not fall so much upon the great brewer who has a large staff of servants and brews constantly, as upon the small man who only brews occasionally, and who is worried to death and gradually driven out of the trade by the vexations and difficulties by which he is surrounded. It has been stated to me to-day that, in many cases, these restrictions are not now in practice enforced. But surely, if that is the truth, it strengthens my case for an inquiry whether rules which are found too oppressive to be put in force cannot be done away with altogether. The fifth objection is, that the tax is surrounded by penalties enough to frighten any honest trader out of his senses. The alteration of an entry by a careless or dishonest servant, a trifling accident, or the spite of an Exciseman, all expose the brewer to penalties which cannot but be oppressive and injurious. I hold in my hand a list of these penalties with which I will not trouble the House; but it will be easily seen that they are such as greatly to annoy the brewer and impede his trade. The present system, indeed, bristles with penalties with which a legitimate trade ought not to be hampered.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. KNATCHBULL-HUGESSEN, continuing, said: This is a small interruption; let us hope we shall not have a "bigger" one. My next two objections are of a somewhat different character, and I do not urge them as being so certain and unanswerable as those which I have already urged. They are, however, objections which have been brought under my notice by persons acquainted with the trade, and I think it right to include them among the eight prominent objections to the tax. One of these, which I will take as the sixth objection, is that this tax directly clashes with the malt tax, because there is a temptation to evade the tax by reducing the quantity of malt used and substituting other ingredients. The duty being nearly 5 per cent addition to the malt tax, by reducing the strength of the beer 5 per cent, 5 per cent less malt is used, and 5 per cent less malt duty paid; in which case, the total amount of Revenue collected would not be increased, the amount of licence duty being practically

so much deducted from the amount of malt tax. It is much as if you were to put a tax upon all the gas consumed, and then to put a tax upon every gas-burner; surely the one tax would militate against the other. The seventh objection is the temptation which the tax offers the dishonest trader to adulterate and deteriorate the liquor. I touch upon this subject with great tenderness and delicacy, and I believe the great majority of brewers are too honest and too anxious to give good liquor to their customers to be tempted. But I am told, though I can scarcely credit it, that an eminent statesman once advised the brewers that, if this tax pressed heavily upon them, they could recoup themselves from the New River, and if this plan were adopted, an artificial fulness might probably be given to the beer by the use of other ingredients than malt. I make the objection for what it is worth, and I leave the House to follow out the suggestion and judge for themselves whether or no the temptation is not held out by the tax. The eighth objection is, undoubtedly, valid—namely, that the tax is unfair to the brewer in his competition with the lighter wines, with cider and with perry. Since 1862 there has been a great reduction in the duty on all kinds of wine; on champagne, for instance, I am told as much as 80 per cent. So the rich get their beverages much cheaper, whilst this tax is aimed at the beverage of the working classes. Is cider—is perry—more wholesome than beer? Why should both be untaxed and the national liquor be thus persecuted by taxation? The fact is, Sir, that this is a tax for general purposes imposed upon one particular class of the community. Why should it be so imposed? Is it because this class is supposed to be wealthy? Then why do you not attempt to tax bankers as well? Is it because you think it will check drinking? Then why not tax, in a similar manner, the wine merchant and the sellers of cider and perry? The Chancellor of the Exchequer is a Devonshire man; the taxation of cider would come home to him, and he sees the objection. Then let him sympathize with me, as a man of Kent, who objects to the taxation of beer, the national beverage of his county. The brewers claim no exceptional privilege, but they protest against an exceptional burden. They

upon the private brewer. As his right hon. Friend said, the tax was falsely called a licence duty, because it did not not fall upon the private brewer. In theory, there could be no doubt that the arrangement of taxation seemed to give an advantage to private brewers; but if that were actually the case in practice, he (the Chancellor of the Exchequer) supposed they must assume that if there were no causes in operation which reduced the number of small brewers except this tax, and if the private brewer was exempt from the tax, as he was, it would follow that the number of private brewers ought to increase. If the licence duty was so injurious, and if the private brewers were not subjected to it, they had an advantage, and one would suppose that they would increase. But, in point of fact, the number of private brewers had not increased. Everybody knew that, although there were still a certain number of great houses in which private brewing was maintained, and in which it would probably be maintained under any circumstances, yet, in point of fact, a large number of private families were now abandoning the habit of private brewing, and were going to the great brewers to supply them, and that was in accordance with the natural law which induced them to go where the practice and the large capital employed gave them advantage. Under all these circumstances, they might set aside, at all events, the argument that the effect of this tax was to destroy and to injure the small brewers to the advantage of the larger brewers. He did not believe that that was the case. It might be said that the small brewers, and the large brewers also, were subject to certain restrictions in connection with the tax, and that it would be a good thing for them to get rid of it. He did not for a moment deny that. Of course, it would be a good thing for anybody subject to the Income Tax and the restrictions connected with the Excise to get rid of such burdens altogether. But it was not possible to deal with taxes in that way. They could not take a single tax, and say that they would subject it to examination, and see if it imposed difficulties and inconveniences upon anybody, and if they found that it did, say then, "Let us get rid of that tax." If they did that, there would be no taxes left, for he would undertake to say that some-

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thing might be said in regard to every one of them. His right hon. Friend certainly made a point, when he declared that it was not reasonable to call this a licensing tax, it being, in fact, a mere addition to the malt duty. Now, let them look at the matter in that point of view. What was the case in 1862? Up to 1862 it had been the policy of the Government to levy duties upon various intoxicating liquors. Duties were levied on spirits, on wine, and on beer, but in a different form. In old times, they used to have a duty upon beer itself. That was done away with, because it was found intolerably vexatious, and they were left with the malt tax and a tax upon hops. Those were two taxes which fell upon the materials from which beer was made. In 1862, the duty on hops was repealed; and, at the same time, an addition was made really and truly to the tax upon malt, but it was made in the form of a licence duty on the brewers who used and brewed the malt. Malt used for other purposes than brewing was not affected by that addition, and malt used by private houses in brewing was also exempt from it. Therefore, his right hon. Friend was right when he said it was something of a misnomer to call this a licence duty, because it was not imposed in connection with a privilege, but fell upon a certain class engaged in brewing. But what were they to do in order to get rid of this anomaly. If they were in the happy condition of being able to remit this taxation and sacrifice the duty, it would have to be considered in connection with other claims which would be made in other quarters; and, probably, when they came to deal with matters of that kind, a good many questions would arise as to the relative taxation upon various articles which came into competition with beer, and the taxes which fell upon other industries. That, however, was not a matter which at the present moment was before them. His right hon. Friend did not ask them to take off the tax now; but he took refuge in proposing a Committee, which Committee, so far as he (the Chancellor of the Exchequer) could see, had nothing whatever to inquire into, because all the facts were known; besides which, the Committee might lead to a certain amount of misconception and other inconveniences, and, after all, would not point out what

his right hon. Friend wished to bring the House to—namely, a means of getting rid of the tax. If they could not afford to get rid of the tax, could they see their way to commute it, so as to obtain the same amount of Revenue in a less inconvenient manner? In that respect, his right hon. Friend had not given them as much information as he (the Chancellor of the Exchequer) hoped they might have been furnished with. It was obvious that there were two ways open to them by which they might reduce the tax to a nominal amount without any sacrifice of Revenue. One of them would be by an addition to the malt duty. By adding something like 5 per cent to the duty on malt, without any sacrifice of Revenue, they would be able to obtain the same amount of Revenue and abolish the licence duty. His right hon. Friend did not say he would recommend that; but it was an important question on which they ought to have some information. If they were not to add to the malt tax, there was another way in which the difficulty might be met, and that was by getting rid of the licence duty, and probably the malt duty itself, and substituting for them a simple beer duty. Did his right hon. Friend recommend the adoption of that course, or was the Committee to go into the question whether it would be possible and desirable to substitute a beer duty? He (the Chancellor of the Exchequer) thought that would be a very large proposition; and if it were in the contemplation of his right hon. Friend that the Committee should go into such matters as that, he ought to enlarge the scope of his Order of Reference, and give the House some of his arguments on that subject. A beer duty was one of which, in former times, the country had some experience, and upon which a good deal of information could be obtained from the shelves of the Library. It would, therefore, be interesting to know whether the recommendation which his right hon. Friend wished the Committee to consider was the abolition of the malt tax and the substitution of a beer duty. But if he understood his right hon. Friend to ask the Government neither to sacrifice the Revenue, nor to make an addition to the malt tax, nor to consider the substitution of a beer tax for the malt tax, then, he would ask, what were the particular

objects his right hon. Friend proposed to gain by his inquiry? They had been told that the system of licences at present involved arrangements which were inconvenient to the trade; that there were too many notices required, and too many arrangements as to separate rooms; that the trade was subject to vexatious penalties; that a careless or malicious servant might expose his master to serious evils; and other matters of that kind. No doubt, it was most desirable that there should be frequent, or, at all events, occasional examinations of the manner in which the duties were raised, in order to see that no unnecessary vexation was imposed on the subject in reference to these duties. He felt very strongly that it was quite possible that, through the want of that periodical revision of obsolete rules which was really necessary for the convenience of the public, needless restrictions were sometimes forced upon those who were carrying on a business which was subject to the Excise. It seemed to be thought that if they got rid of this licence duty, they would get rid of the necessity of all these restrictions, and that they would hear nothing more about those interests of Excisemen, and other things necessary to prevent the evasion of the duty. He himself very much doubted whether that would be the case—whether, under any circumstances, they would be able to get rid of the inspections and the visits from the officers of the Excise which were now made the subject of complaint, because, unless they could abandon the idea of raising revenue from beer, it would be requisite to ascertain what the processes in the breweries were, in order to see that the brewer was not using improper substances. A certain amount of inspection would be necessary over those carrying on the business. He ventured to doubt whether, upon the whole, it would be very useful to submit questions of the sort to a Committee of the House of Commons. He did not know whether hon. Members thought it would be desirable that they should have all the proceedings and processes of manufacture the subject of a long inquiry, and every sort of investigation carried on in public before a Committee of the House. Many of these discussions were extremely inconvenient. They agitated the trade, caused expectations, and brought about

a good deal of confusion. He thought it would be far better that they should have, on the part of the Government a departmental inquiry into complaints which might then be brought before them with regard to the working of the present system. The proposal of the abolition of the duty was a matter which they could not for the present entertain. As to the remission of the malt tax, he thought they had not had any case made out that would justify them going in for such an alteration. But if it could be shown that the licence duty was unequally assessed; that the mode in which the quantities were fixed was not a proper mode; that the malt assumed to be used for a barrel of beer was not what it should be; or that there were restrictions which might be in any way disadvantageous, these points might be brought before them by practical members of the trade, and the Government would be most happy to examine them patiently. He did not think, however, in spite of the very able way in which his right hon. Friend had introduced the subject again to their notice, and the ingenious way in which he had put his arguments before them, that a case had been made out for the Motion he had brought before the House.

MR. MITCHELL HENRY said, he had felt, during the argument of the Chancellor of the Exchequer, that the Motion of the right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) would result in nothing practical. To that Motion of the right hon. Gentleman, who proposed—

"That a Select Committee be appointed to inquire into the nature and incidence of the Tax upon Brewers' Licences,"

he had intended, if the Forms of the House would have allowed, to move the addition of the words "and upon the best mode of supplying a substitute for it." It was, he thought, impossible to contemplate the abolition of this tax without also looking at another great tax—namely, the tax upon malt. The brewers' licence duty appeared to him (Mr. Mitchell Henry) to be wholly indefensible, and one of the worst taxes that could be imposed upon the industry of any country; indeed, there was hardly another example of a similar tax upon the manufacturer. He believed that the brewers' licence duty pressed with peculiar hardship upon deserving

and poor men, numbers of whom were being driven, as they believed, out of the trade in consequence; and although other causes might have contributed to this result, there could be no doubt that the tax was felt by them to be peculiarly hard and galling. The parallel drawn by the Chancellor of the Exchequer between the cases of the private brewer and the professional brewer, who made his livelihood by brewing, was, in his (Mr. Mitchell Henry's) opinion, inapplicable. The right hon. Gentleman had said that the private and small brewers were decreasing in number; and, therefore, that as one was taxed and the other was not taxed, the tax had no effect upon the professional brewer. But that was not so, for the reason why people had ceased to brew privately was that they got better ale by buying it from the large brewers, for with the private consumer the question was not trade but quality and convenience. The question, however, ought to be approached in a much broader spirit and on a larger scale. He believed that it was impossible for the Chancellor of the Exchequer to abolish the tax upon brewers' licences, as also the tax upon malt, which, in his (Mr. Mitchell Henry's) opinion, was quite as bad, unless a substitute were provided for them. Therefore, he asked permission of the House to propose a direct substitute for the two taxes in question. He would at once state that his proposal was to revert to the old practice of placing a direct tax upon the manufactured article of beer; and he believed it could be shown that this tax would not in the slightest degree interfere with the consumption of beer, or be felt seriously by the consumer. On the other hand, the tax would provide the Chancellor of the Exchequer with a very large Revenue, and enable him to abolish both the malt tax, and the tax upon brewers' licences. As the Chancellor of the Exchequer had mentioned, this tax did exist in former times; but in consequence of the inconvenience attending its collection, it had been abolished almost 50 years ago, and, eventually, a tax had been imposed upon the unmanufactured article of malt. He was not there to contend that it was possible to lay a differential tax upon the various descriptions of beer which were brewed, of which there were at least seven or eight

The Chancellor of the Exchequer

kinds in ordinary consumption; but it could be shown, and he believed that it would be admitted by the Chancellor of the Exchequer, if he looked at the question from a practical point of view, that the imposition of the tax upon beer would neither raise the price of the article to any appreciable extent, nor be attended with any intolerable hardship to brewers. It was not his argument that evening to enter upon the question, which he had already raised once or twice, of equalizing the tax upon the alcohol contained in spirits, and the alcohol contained in beer. At the present time, they raised on alcohol—that was, upon beer, wine, and spirits, upon licence duty and upon the sugar used in brewing, no less than £33,000,000 a-year, and it was a circumstance of very considerable importance to know that they spent £155,000,000 annually in buying alcoholic liquors. He maintained that, by the adoption of the proposition which he was about to submit, there would not be the slightest difficulty in getting, in addition to the £9,000,000 taxes now practically levied upon beer, in the shape of the malt tax, brewers' licences, and sugar duty, the additional sum of £6,000,000, which would enable the Government to abolish every one of those Customs' duties which pressed so heavily upon the people who did not drink alcoholic liquors—that was to say, it would permit the abolition of the tea and coffee and other such duties. The brewers' licences produced £433,000 a-year, and the sugar used in brewing £526,000 a-year; while the sum derived from the malt tax amounted to very nearly £8,000,000. He did not think the country could do without that taxation, which amounted in all to £9,000,000 a-year; but however that tax was levied, whether upon the article of beer itself, or upon the material used in its manufacture—whether upon the meal or the malt—it was still a direct tax upon beer; and, for that reason, in suggesting some modification of the duties on beer, he was not proposing a new tax. The quantity of malt used in brewing was as nearly as possible 57,000,000 bushels, or about 8,000,000 quarters. Now, it had been assumed by the Excise authorities that one barrel of beer should be produced from two bushels of malt; but this had been considered as too high an

average, although he was prepared to assume that it was a reasonable one. But as he desired to be perfectly fair in his statement of the case, he would assume that it required $2\frac{1}{2}$ bushels of malt to make 36 gallons, or one barrel, of beer; and on that basis he would found his calculation that 115 gallons of beer would be produced from every quarter of malt; and that, as there were 8,000,000 quarters used in the course of the year, the total quantity of beer which ought to be produced would be 920,000,000 gallons annually. There were several classes of beer; but he would deal first with such beers as Bass's and Allsopp's ales, as examples of beers of the highest class, which contained from 8 per cent to $11\frac{1}{2}$ per cent of proof spirit. Upon these beers, then, of the highest class, and containing from 8 to $11\frac{1}{2}$ per cent of proof spirit, he proposed that there should be a tax in the shape of an Excise stamp duty of 9s. per half-barrel. How would that affect the producer and consumer? The beers in question, upon which, according to his calculation, about 4s. 6d. per half-barrel was already levied indirectly, were being sold at hotels, railway stations, and refreshment rooms, at the rate of 6d. the reputed pint, or 3d. a-glass. Upon these beers alone, representing about one-third of the total production which, as he had already pointed out, amounted to 920,000,000 gallons, would be raised, by the addition of the proposed duty of 9s. per half-barrel, £7,500,000 annually, and that by increasing the price to the consumer less than $\frac{1}{2}$ d. per glass. Indeed, he believed, from the competition which would ensue, if the trade were thrown open, that it would be found that this additional $\frac{1}{2}$ d. would never be added at all, and that the beer would continue to be sold to the public at 3d. per glass. But even if the price were raised by $\frac{1}{2}$ d. per glass, there was, in his opinion, no reason to believe that with regard to an article of such great popularity with the higher and middle classes as pale ale, the consumption would be in the slightest degree diminished. Besides the beers mentioned, there were in ordinary consumption four different classes of beer, containing from 5 to 8 per cent of proof spirit, which he proposed to take together, and tax at the rate of 4s. 6d. per half-barrel. How would that affect the

prices to the consumer? The class of beer which came next to Bass's, and the rest to which he had referred, was sold at 4*d.* a-pint, and its present cost was 48*s.* per half-barrel of 18 gallons. The proposed tax of 4*s.* 6*d.* per half-barrel would not raise the price of this kind of beer to the consumer by more than $\frac{1}{4}$ *d.* a-glass. The next class was sold at 3*d.* a-pint, and the cost was 36*s.* per half-barrel; in the same way, the price of this beer to the consumer would be raised by less than $\frac{1}{4}$ *d.* a-glass. The next class was sold at 2*d.* a-pint, or 30*s.* per half-barrel, and upon this, and the rest of the beers, the increased price would be so small to the consumer as to render the calculation unnecessary. He had endeavoured to show that by a duty of 9*s.* per half-barrel upon the manufactured article of the first class the sum of £7,500,000 would be raised. A like sum would also be raised from the remaining classes of beer—namely, those which contained from 5 per cent of proof spirit and upwards; so that altogether, if his proposal were adopted, a total sum of £15,000,000 would be obtained annually. It was an important question to consider whether that amount could be raised in a manner which would not be intolerable to the brewers. At the present moment, the brewer was subject to a number of restrictions, to which the right hon. Gentleman who introduced this Motion had referred. All that would be necessary in the new tax would be a book of stamps like the delivery books given by railway companies. The Excise would keep the counter-part, and the stamps, which would be several inches wide, would be affixed by the brewer under the supervision of the officers of Excise. The stamps might be put over the bung-hole of the cask. ["Oh, oh!"] An hon. and gallant Member opposite seemed surprised at such an absurd notion; but was it more absurd than the present mode of settling the malt duty, or collecting the brewers' licences? The system could be carried out with the greatest ease. The brewers could purchase the books of stamps, taking out a nominal licence in proportion to the number of gallons of beer which they manufactured. There would be no difficulty in that respect, for already there was a Return which showed the quantity of beer produced by every brewer in

the United Kingdom. But what would be the other effects of carrying out his proposal? The country would lose £9,000,000 of taxes by the abolition of the brewers' licences, the tax upon sugar used in brewing, and the malt tax; but the brewers and agriculturists would very much appreciate the abolition of taxes which now fell upon them; while, on the other hand, £15,000,000 would be raised by the plan he proposed. From this would result a surplus of £6,000,000, which would enable the Chancellor of the Exchequer to abolish all the Customs duties, except those on tobacco—that was to say, the duties upon chicory, coffee, currants, figs, plums, prunes, &c., which amounted to something like £900,000 annually; and, in addition to these, the duty upon tea, which amounted to about £4,000,000 a-year. The Chancellor of the Exchequer would then have £1,000,000 remaining, which he could devote to any purpose that pleased him. He (Mr. Mitchell Henry) considered the suggestion which he had made well worthy of the attention of the right hon. Gentleman, who, it was to be hoped, having stated his willingness to appoint a Departmental Committee to inquire into the nature and incidence of the tax upon brewers' licences, would also allow the Committee to inquire earnestly and seriously into the feasibility of imposing a tax upon the manufactured article of beer, in place of those duties now imposed upon the raw material used in brewing and upon the trade of those persons who were struggling to make a living by this manufacture. He (Mr. Mitchell Henry) believed the figures quoted by him to be absolutely correct; and he had, moreover, the authority of hon. Members in the House, who were able to speak upon the subject with greater weight than he could pretend to, for saying that his proposal was perfectly feasible; and he, therefore, hoped that on the appointment of the Committee it would receive the serious consideration of the Chancellor of the Exchequer.

SIR WALTER B. BARTTELOT said, that everyone knew that the whole incidence of the tax upon brewers' licences was before the Chancellor of the Exchequer; and, therefore, what was the use of an inquiry? If the necessity for such an inquiry was so im-

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perative as the right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) assumed, why had he not drawn attention to the matter when he and his Friends were in Office, and when what he wished to have done in the matter might have been effected? In that case, however, he (Sir Walter B. Barttelot) thought that, supposing a duty were imposed on beer, the small brewers, as a class, would be annihilated. In spite of the depression in the country during the last few years, the brewers had been doing well; while, as to a remission of the tax, the present was no time for taking off a tax of the kind, which was not oppressive, though, perhaps, it was to some extent vexatious. He altogether denied that it was looked upon generally, even by the brewers themselves, as an unjust tax, and he believed they would rather endure it ten times over than have a tax imposed on beer. He was of opinion that no case had been made out for a Select Committee; and, looking at the present consumption of liquors throughout the country, he thought this tax was one of the last that this House would think ought to be repealed.

SIR WILFRID LAWSON thought his hon. and gallant Friend opposite (Sir Walter B. Barttelot) had been rather hard on the right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen), in asking him why he had not moved in this matter when a Liberal Government was in Office. The fact, however, was that agitation of this kind was always very vigorous when a Liberal Government was in Office, but it generally relaxed when a Conservative Government came in. There was a French statesman who had been described as having spent his life in coming to the rescue of the strongest. This seemed the aim of the right hon. Gentleman in coming to the assistance of the brewers, that powerful body, who were alone prosperous in these hard times, and who were very well able to protect themselves. He knew the great and sincere interest his right hon. Friend took in anything connected with the liquor traffic. He remembered his attending a dinner of the Licensed Victuallers; there was the same idea of a Bill being brought in for their relief, and he said the proper way would be that the publicans should be consulted,

and, according to what they wanted, so the Bill should be drafted. His right hon. Friend had chosen a very curious time to make an appeal to the House on behalf of the brewers. The brewers had been doing very well; they always did well. The drink trade was always prosperous. At a Licensed Victuallers' dinner that took place at Burton, one of the speakers, speaking of the bad times, the great distress that prevailed, said Burton was the only green spot—the oasis in the desert. Coal and iron were depressed, but drink was bringing in lots of money still. But, although the brewers were so prosperous, they were always complaining—they complained of the Excise, of the magistrates and the police, the Good Templars, and the whole community. In fact, they represented themselves as a class of men whose sole object it was to benefit mankind, yet they were harassed by every one. The Association for the Repeal of the Brewers' Licences was formed in 1874. Shortly afterwards there was a grand deputation to the Chancellor of the Exchequer; 208 brewers and 58 Members of Parliament were present. Some conversation took place. The Chancellor of the Exchequer asked what effect the repeal of the duty would have on the price of beer? One of the deputation replied, none whatever; the consumer never paid the tax. Whereupon the Chancellor of the Exchequer said he would not detain the deputation any longer. When the present Government, which owed a good deal to the publicans, came into Office, they did something for the brewers, which ought to have satisfied them. Whatever the brewers or anybody else might say, he believed there was no doubt that the tax was paid by the consumer somehow or other. If, however, it was paid by the producer, he was the last person who should be relieved in a time of national distress; and if it was paid by the consumer, the House ought not to encourage him to drink more by making his drink cheaper. So that, whether the consumer or the producer paid, there was no case for alteration. The beer drinker had been described by the hon. Gentleman below as a distressed man. [Mr. MITCHELL HENRY: The small brewer.] Well, was that any reason for encouraging the drinking of more beer? He would not give his own opinion. It was not well

to give the opinion of a fanatic. But he would quote the opinion of Sir Henry Thompson in a letter to the Archbishop of Canterbury—a letter from a man who had the care of our bodies to a man who had the care of our souls. Sir Henry Thompson said that the habitual use of fermented liquors, far short of what was necessary to produce drunkenness, and such as was quite common in all ranks of society, injured the body and diminished the mental powers to an extent which few people were aware of; and he believed there was no single habit in this country which so much tended to deteriorate the qualities of the race, and so much disqualified them for that endurance which was required in that struggle in which the prizes must fall to the best and the strongest. Yet they were asked, in the face of that dreadful state of things, to relieve the manufacturers of these liquors from taxation. If that was the only remedy which the right hon. Gentleman had to propose for the misery and destitution of the country, he (Sir Wilfrid Lawson) thanked God he was not a statesman, and was never likely to be one. There was no greater fallacy than to suppose, if you dosed people with weak alcohol, they would grow up strong. When the right hon. Gentleman the Member for Greenwich was Chancellor of the Exchequer, he brought in a Bill for supplying people with cheap wine, saying he did it for the purpose of promoting temperance in this country, and that if they drank this sour, nasty stuff, they would give up stronger liquors. There never was a greater delusion. The result had been—

“That those then drank who never drank before,
And those who always drank then drank the more.”

He, therefore, hoped the House would get rid of the superstitious idea that they would wean people from drinking one form of alcohol by encouraging them to drink another. We tried the same thing before in the case of cheap beer, but everyone knew there was never a greater evil, and those who supported the measure in a short time saw the greatness of their delusion. Dr. Richardson said it was perfectly horrible that so much Revenue should be raised by the degradation of the nation. But, as it was the system to raise about one-third

Sir Wilfrid Lawson

of our Revenue by the sale and consumption of strong drink, let us have equality, and let not the man who drank one sort of liquor pay less than the man who drank another. He fully admitted the convincing force of the figures with which the future Chancellor of the Exchequer of the Home Rule Party (Mr. Mitchell-Henry) had sustained the proposal which he had just made to them to tax beer; and also the reasonableness of the complaint which the hon. Member for Dumbarton (Mr. Orr-Ewing) had more than once urged, as to the way in which spirits were taxed as compared with beer, and that alcohol in Scotch whisky was taxed much higher than alcohol in English beer. Let the English sot and the tippling Scot pay exactly the same. He would not, however, level down, but level up, and the simplest way would be to increase the malt duty; but as that proposal threatened to drive some hon. Gentlemen crazy, they might impose a duty on beer. Beer was taxed one-fifth of its price, or 20 per cent; spirits were taxed four-fifths of their price, or 80 per cent. That was not fair. There was no need for a Committee, the matter had been very well discussed, and might be very properly left in the hands of the Chancellor of the Exchequer. He hoped, therefore, every hon. Gentleman of common sense in the House would, on this occasion, vote against the Motion of the right hon. Gentleman the Member for Sandwich, and give his hearty support to Her Majesty's Government.

Question put.

The House *divided*:—Ayes 115; Noes 53: Majority 62.—(Div. List, No. 99.)

Main Question proposed, “That Mr. Speaker do now leave the Chair.”

Motion, by leave, *withdrawn*.

Committee *deferred* till *Monday* next.

NOXIOUS GASES BILL.—[BILL 123.]

(*Mr. Sclater-Booth, Viscount Sandon, Sir Henry Selwin-Ibbetson, Mr. Salt.*)

SECOND READING.

Order for Second Reading read.

MR. SCLATER-BOOTH, in moving that the Bill be now read a second time, said, that the measure was based on the recommendations of a Royal Commis-

sion. Its character was very comprehensive, as it sought to provide for the whole Kingdom, wherever a noxious trade was carried on, or noxious gas emanations injurious to the health of the public were produced, such a remedy as would be readily applicable without unduly interfering with the industry of the country. It was intended by the Bill to raise from the trades and manufacturers themselves a comparatively small sum of money which, with the amount already provided by Parliament, would be sufficient to supply an adequate machinery for giving effect to its object. In connection with the history of previous legislation with regard to the subject, he would remind the House that the original Alkali Act, passed in 1863, was designed to cure the mischief done to vegetation from the evolution of muriatic acid gas. It limited to a great extent the mischief done by isolated works; but the progress of trade had led to the establishment of a great aggregation of these manufactories in many districts, especially on the Tyne and Mersey, and the result was that vegetation was entirely destroyed in those neighbourhoods. Accordingly, when he entered upon his present office, applications were made to him by gentlemen connected with the localities thus affected for an amendment and extension of the Act. That was affected by the Act of 1874, which required the owners of those factories so to conduct their operations as to allow only an almost imperceptible amount of muriatic acid gas to escape from the chimneys of their works at one time. Complaints, however, were still made that vegetation continued to wither from the effect of these gases, and the Government consented in 1875-6 to appoint a Royal Commission to inquire into the working of the Act and report on the whole subject of the injury to the public done by noxious vapours. Concurrently with the appointment of the Royal Commission an Inspector of the Local Government Board was engaged to examine factories and ascertain what means were available to diminish the mischief the caused by the evolution of gases; and he recommended that provisions analogous to those in the Alkali Acts should be applied to several trades. The first part of the Bill consolidated and re-enacted the main provision of the Alkali

Acts, and added new obligations with regard to sulphuric and other acids upon the manufacturers, in order that as little as possible might be emitted during the process of manufacturing. The second part was devoted to the trades that were placed for the first time under these obligations. The third part catalogued all the remaining trades that were to come under inspection, and that were to be liable to be called upon to adopt such preventive methods as were from time to time shown to be applicable. In this way, the inspection hitherto confined to alkali works would be extended for the benefit of the whole community. Existing works would be allowed a certain time for re-registration, without which no new works would be allowed. Licence fees would have to be paid and would reduce the cost of inspection, and a sanitary district, or a combination of two or more districts, might apply for the services of an Inspector, who would be paid by the Government, the district to guarantee a certain proportion of the salary. Complaint had been made of the supposed leniency of the Alkali Inspectors in instituting proceedings, but he doubted whether there was any ground for such complaint. The efficiency of inspection was not to be tested by the number of proceedings against works, for much good was done indirectly and without resort to legal measures. If the law with regard to nuisances arising from noxious gases were made uniform throughout the United Kingdom, he was satisfied that manufacturers would readily adopt any regulations on the subject which might be laid down. In conclusion, he would move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Selater-Booth*).

SIR HENRY JAMES moved the adjournment of the debate, and his reasons for doing so he felt sure the House would accept. This was a very important Bill, in which many persons were strongly interested who were absent, and it seriously affected certain manufacturers in, for instance, the 29th clause. Therefore, when the Bill was discussed it ought to be discussed fully. Now, the right hon. Gentleman was asked on Thursday when he would take the Bill,

and he distinctly said he would take it on Monday.

MR. SCLATER-BOOTH begged to explain. The Bill stood for last evening. He was asked about it early in the day, and he said he was afraid from the opposition to it that it would be impossible to take it before Monday, but that he had not given up all hope of taking it that evening.

SIR HENRY JAMES asked, whether the natural inference from those words was not that the Bill would not be taken this evening? He knew many Members, including his right hon. Friend the Member for Pontefract (Mr. Childers), who desired to speak on the Bill, had gone away, and if the second reading were pressed on, the only effect would be to create a feeling that a promise had been broken, and so to prevent its further progress.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Sir Henry James.*)

MR. SCLATER-BOOTH said, he could not resist the Motion, if it were pressed; but he believed the hon. and learned Gentleman was the only Member in the House who desired the adjournment. His answer was not reported, and as the right hon. Gentleman the Member for Pontefract (Mr. Childers) was not present when the answer was given, he could not be prejudiced.

MR. WILBRAHAM EGERTON said, he was in the House at the time the answer was given; but, as he did not catch its purport, he spoke to the right hon. Gentleman (Mr. Sclater-Booth) afterwards, and certainly understood from him that he would bring on the measure that (Friday) night, if he could. He thought it would be very inconvenient to delay the Bill, and to waste the time of hon. Members who had come down to support the second reading.

MR. LOWTHIAN BELL could not tell, of course, what took place between the right hon. Gentleman the President of the Local Government Board and the last speaker privately; but immediately after hearing the answer given on the previous evening, he went into the Lobby and told half-a-dozen gentlemen, manufacturers and others, that the Bill would not come on before Monday, and they consequently went away. As a whole, he liked the Bill, although its

Sir Henry James

promoters had been singularly unjust in certain clauses to the manufacturers.

THE CHANCELLOR OF THE EXCHEQUER said, of course, where there was any misunderstanding as to an arrangement, it was far better to take an adjournment.

Question put, and *agreed to.*

Debate adjourned till *Monday next.*

WORMWOOD SCRUBS REGULATION

BILL—[BILL 96.]

(*Colonel Lindsay, Mr. Secretary Stanley, Lord Eustace Cecil.*)

Order read, for resuming Adjourned Debate on Question [13th May], "That Mr. Shaw Lefevre be a Member of the Select Committee on the Wormwood Scrubs Regulation Bill."

Question again proposed.

Debate *resumed.*

Question put, and *agreed to.*

MR. GORDON, Colonel KINGSCOTE, and Colonel LOYD LINDSAY nominated other Members of the Committee.

MEDICAL ACT (1858) AMENDMENT

BILL—[BILL 2.]

(*Dr. Lush, Sir Trevor Lawrence, Sir Joseph M'Kenna.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [12th March], "That the Bill be now read a second time."

And which Amendment was, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Serjeant Simon.*)

Question again proposed, "That the word 'now' stand part of the Question."

Debate *resumed.*

Question put, and *agreed to.*

Bill read a second time, and *committed* to the Select Committee on Medical Act (1858) Amendment (No. 3) Bill [*Lords*].

ARMY DISCIPLINE AND REGULATION BILL—[BILL 88.]

(Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That this House will, upon Tuesday next, at Two of the clock, resolve itself into the said Committee."—(Colonel Stanley.)

SIR CHARLES W. DILKE said, he had no intention of detaining the House, but it had always been the effort of the Opposition to keep the Government to an understanding as to when Morning Sittings should commence. The rule always had been that they should not commence regularly before the 10th or 12th of June, and for two years the first Morning Sitting was on the 19th of June. There had sometimes been exceptional Morning Sittings, one in March and one in April, but these were always regarded as purely exceptional. [Sir HENRY SELWIN-IBBETSON dissented.] His hon. Friend the Secretary to the Treasury, he saw, shook his head; but on the last occasion when this matter was discussed, his hon. Friend the Member for Rochester (Sir Julian Goldsmid) went very carefully into the figures, and prepared a tabulated statement which was reported in *Hansard*. The Government, he thought, would hardly deny that they were taking more Morning Sittings, and taking them oftener, than ever was the case before. That day made the third, another was fixed for Tuesday, and he was certain that was the earliest period at which they had ever got into them regularly. Previously, any Morning Sittings before June were always defended on the ground that they were exceptional. When the Chancellor of the Exchequer proposed a Morning Sitting some weeks ago, he told them it was exceptional; but he only missed one Tuesday, and they had had them ever since. If Government insisted, of course, it was useless to object; but he certainly should divide the House by way of protest.

SIR HENRY SELWIN-IBBETSON said, he also wished formally to enter his protest against the idea that the

10th or the 11th of June was the time at which these Morning Sittings should begin. Within the last four or five years there were two years, in each of which there had certainly been either three or four Morning Sittings—he could not pledge himself to the exact number—in either the months of April or May.

Question put.

The House divided:—Ayes 92; Noes 15: Majority 77.—(Div. List, No. 100.)

HYPOTHEC ABOLITION (SCOTLAND) BILL—[BILL 119.]

(Mr. Vans Agnew, Mr. Baillie Hamilton, Sir George Douglas, Colonel Alexander.)

CONSIDERATION AS AMENDED.

Order for Consideration, as amended, read.

MR. VANS AGNEW said, he was anxious that the Bill should be considered that evening; but in the absence of the right hon. and learned Lord Advocate and most of the Scotch Members, he would defer it till Friday, the 23rd.

Consideration, as amended, *deferred* till Friday next.

DISPENSARIES (IRELAND) BILL.

(Mr. Bruen, Mr. Downing, Mr. Mulholland, Mr. Ward.)

[BILL 66.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 5, inclusive, *agreed to*.

Clause 6, (Loan to be repaid by annuity).

MR. BRUEN, in moving, as an Amendment, in page 3, line 19, to leave out from beginning to "provided," in line 29, and insert—

"Every loan made under the provisions of this Act shall bear interest at the rate of three and a half per centum per annum from the date of each advance to the fifth day of April or the tenth day of October which shall next happen after such advance, and shall be repaid by the payment to Her Majesty of an annual rent-charge of five pounds for every one hundred pounds of such loan from time to time advanced, and so in proportion for any lesser amount, to be pay-

able for the term of thirty-five years, to be computed from the first of the said days which shall next happen after the advance in respect of which the rent-charge shall be charged, such rent-charge to be paid by equal half-yearly payments on the fifth day of April and the tenth day of October in every year, the first of such payments to be made on the second of such days which shall happen next after the issue of any such advance in respect of which the rent-charge shall be charged ;”

and in page 3, line 30, after “annual,” leave out “sum,” and insert “rent-charge ;” said, if his proposal were adopted it would bring the Bill into harmony with the Public Works Loans Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he had no objection to the insertion of the words, subject to the understanding that he reserved to himself the right to make the Public Works Loans Bill now before Parliament apply, if necessary, to this Bill.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7 amended, and agreed to.

Remaining clauses agreed to.

Schedule amended, and agreed to.

House resumed.

Bill reported ; as amended, to be considered upon Monday next.

LICENSING LAWS AMENDMENT BILL.

[BILL 25.]

(Mr. Staveley Hill, Mr. Mundella, Mr. Rodwell.)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Amendment proposed to Question [17th April], “That the Bill be now read a second time.”

And which Amendment was, to leave out the word “now,” and at the end of the Question to add the words “upon this day six months.”—(Sir Harcourt Johnstone.)

Question again proposed, “That the word ‘now’ stand part of the Question.”

SIR CHARLES W. DILKE drew attention to the fact that it was after half-past 12 o'clock, and contended that the Order, being opposed, could not be taken.

Mr. Bruen

Question put.

The House divided :—Ayes 48 ; Noes 30 : Majority 18.—(Div. List, No. 101.)

Main Question put, and agreed to.

Bill read a second time, and committed for Tuesday next.

WAYS AND MEANS.

Resolution [May 15] reported, and agreed to.

Ordered, That a Bill be brought in upon the said Resolution ; and that Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Sir HENRY SELWIN-IBBETSON do prepare and bring it in.

Bill presented, and read the first time.

MOTIONS.

SUPREME COURT OF JUDICATURE ACTS

[SALARIES, &c.]

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the extension of the provisions of the Supreme Court of Judicature Acts 1873, and 1875, relating to the salaries and pensions of puisne Judges of the High Court of Justice, and of the officers attached to their persons, to any additional Judge who may be appointed under the provisions of any Act of the present Session for amending the Supreme Court of Judicature Acts.

Resolution to be reported upon Monday next.

VOLUNTEER CORPS (IRELAND) [PAY AND ALLOWANCES, &c.]

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Pay and Allowances, Half Pay, and Pensions to Members of the Volunteer Force, and of pensions to their widows ; also of allowances to Clerks of general meetings of Lieutenancy in Ireland, which may become payable under the provisions of any Act of the present Session, to authorise the enrolment of Volunteer Corps in Ireland.

Resolution to be reported upon Monday next.

COURTS OF JUSTICE BUILDING ACT (1865) AMENDMENT [EXPENSES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of any Expenses which may be incurred in keeping order in, cleaning, and in the management and use of, the Royal Courts of Justice, under the provisions of any Act of the

present Session to amend "The Courts of Justice Building Act, 1865."

Resolution to be reported upon *Monday* next.

LOCAL GOVERNMENT (HIGHWAYS) PROVISIONAL ORDERS (DORSET, &C.) BILL.

On Motion of Mr. SALT, Bill to confirm certain Provisional Orders of the Local Government Board under the provisions of "The Highways and Locomotives (Amendment) Act, 1878," relating to the Counties of Dorset, Montgomery, Northampton, Salop, Wilts, and York (East Riding), *ordered* to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 186.]

LOCAL GOVERNMENT HIGHWAYS PROVISIONAL ORDERS (GLOUCESTER AND HEREFORD) BILL.

On Motion of Mr. SALT, Bill to confirm certain Provisional Orders of the Local Government Board under the provisions of "The Highways and Locomotives (Amendment) Act, 1878," relating to the Counties of Gloucester and Hereford, *ordered* to be brought in by Mr. SALT and Mr. SCLATER-BOOTH.

Bill *presented*, and read the first time. [Bill 185.]

TRAMWAYS ORDERS CONFIRMATION BILL.

On Motion of Mr. JOHN G. TALBOT, Bill for confirming certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," relating to Bristol Tramways (Extensions), Briton Ferry and Swansea Tramways, Burnley and District Tramways, Chesterfield, Brampton, and Whittington Tramways, Crewe and District Tramways, Derby Tramways, Dewsbury, Batley, and Birstal Tramways (Extension), Ipswich Tramways, Leamington and Warwick Tramways, Liverpool Corporation Tramways, Newcastle upon Tyne Tramways, North London Suburban Tramways, Oxford Tramways, Staffordshire Tramways, Stoke upon Trent, Fenton, Longton, and District Tramways, Sunderland Corporation Tramways, Sunderland Tramways (Extension), Swansea Tramways (Extension), Tynemouth and District Tramways, Wigan Tramways, York Tramways; and for empowering the Board of Trade to grant licences for the use for limited periods, by way of experiment, of steam or mechanical power upon Tramways in certain cases, *ordered* to be brought in by Mr. JOHN G. TALBOT and Viscount SANDON.

Bill *presented*, and read the first time. [Bill 187.]

House adjourned at a quarter
before One o'clock till
Monday next.

HOUSE OF LORDS,

Monday, 19th May, 1879.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Public Health (Scotland) Act, 1867, Amendment * (78).

Committee—Report—Local Government Provisional Orders (Ashton-under-Lyne, &c.) * (79).

TREATY OF BERLIN—THE GREEK FRONTIER.

QUESTION. OBSERVATIONS.

THE EARL OF MORLEY: I rise to ask the noble Marquess opposite (the Marquess of Salisbury) a Question, of which I have given him private Notice, Whether the telegram which appeared in *The Daily News* on Saturday last, purporting to give the terms of M. Waddington's Circular with regard to the negotiations on the subject of the Greek Frontier, is correct? If the text as thus printed *in extenso* is correct, I hope the noble Marquess will have no objection to lay it on the Table of the House. The noble Marquess may object, that during the progress of negotiations on a question of this importance, it is undesirable to lay any Papers on the Table. I admit the force of that objection, but, at the same time, it seems to me that if the Circular can be given to the public, the House, too, is entitled to have it before it in an official and authentic form. No doubt, this question of the Greek Frontier is exciting considerable and increasing interest in this country and in Europe. There is some apprehension, that while Her Majesty's Government have been recommending the exercise of patience and forbearance to the Greeks, they are themselves somewhat lukewarm in regard to negotiations based on the 24th Article of the Treaty of Berlin; and I venture to say, without going any further, it would be of importance if the position of England in regard to the matter were clearly understood. If the noble Marquess could lay this and other Papers on the Table, giving information as to the course these negotiations are taking, he would, I think, satisfy a not unnatural desire for information, and allay no inconsiderable anxiety.

THE MARQUESS OF SALISBURY: If I were to go so far as to criticize the course taken by the noble Earl opposite (the Earl of Morley), what I should object to would be asking whether a document, not produced, was or was not accurately represented in some newspaper. As there is no secret in the present case, I may venture to indicate generally that the Circular, as published, is correct. But if the document was a document that could not be produced, and was inaccurately represented in a newspaper, a Minister could not say that it was accurately represented. If he said it was inaccurately represented, and it turned out that the inaccuracy, in the view of the questioner, was not a matter of great importance, the Minister would be accused of practising concealment. Therefore, I should venture to say that, if a Paper cannot be produced in its entirety, it is better not to answer any Question about it. In the present case that point does not arise, although, undoubtedly, the rule with regard to pending negotiations would justify us in withholding it. I propose to lay shortly on the Table Papers which will give the required information.

AFGHANISTAN—THE PEACE NEGOTIATIONS.—OBSERVATIONS.

VISCOUNT CRANBROOK: My Lords, it may be interesting to your Lordships to know that I have received intelligence to the effect that the bases of peace with the Ameer of Afghanistan have been agreed upon.

TREATY OF BERLIN, ARTICLE 22—OCCUPATION OF BULGARIA AND EASTERN ROUMELIA.

MOTION FOR CORRESPONDENCE.

LORD CAMPBELL, in rising to call attention to Article 22 of the Treaty of Berlin, as it relates to the period during which the occupation of Bulgaria and East Roumelia was sanctioned; and to move for the Correspondence between Her Majesty's Government and other Powers on the subject, said: My Lords, in the absence of my noble Friend whose Question stood first (Lord Stanley of Alderley), I am called on to address you. As it may be thought that comments on the 22nd Article in the Treaty of Berlin might have been offered to the House

on the 16th of May, I will at once encounter that objection to the Notice. No doubt, the topic was alluded to by those who mixed in the debate, and anyone who rose might feel at liberty to mention it. But in so vast an issue as the merit or demerit of the Government in all their European and Asiatic policy, to fix upon it the attention of the House, would scarcely have been possible. But even if it was possible, according to the view which guides me, the object of the Notice would not have been compassed. My Lords, ever since the Treaty of Berlin, there has been no greater matter of solicitude, to those who reason justly on the Eastern Question, than the existence of a Russian Army beyond the Pruth, the Danube, and the Balkans. It seems to me a version of the Treaty has been sanctioned which, if it goes unchallenged, must tend to prolong the occupation altogether. But it can only be challenged with effect by Notice to call attention to the subject. Whether or not a given statement in the midst of a discussion like that of Friday last goes beyond the House is utterly precarious. But a Notice, however briefly or inadequately handled, must place it upon record, that the interpretation which keeps Russian troops in the Dominion of the Sultan longer than otherwise they would be, is disputed. Besides, other noble Lords may impart to the Notice more effect than I can give it. Before questioning the new interpretation of Article 22, let me mention with what aim it seems to me worth while to question it at present. Of course, the old interpretation cannot be recovered when it has once been given up. No human force, no stretch of virtue at St. Petersburg, or ingenuity in Downing Street, can now deliver East Roumelia and Bulgaria by the 3rd of May. The question now is, whether by August there will be the final exodus over the Pruth for which the Treaty has provided. But the House will readily admit that one encroachment on the Treaty, unless it is an object of remark, remonstrance, criticism, or protest in the Assemblies of the Signatory Powers, is nearly sure to generate another. I now wish to offer a few words on the interpretation of the Article. By learned men it might, no doubt, be debated both ways at such a length as would alarm the Court of Chancery, and keep its judgment in suspense for a considerable

period. But my mode of treating it will be a short, even if it is not a convincing, one. Unless analogy is cast aside, the occupation of a territory can only cease when the territory has been quitted, as the occupation of a house can only cease when the occupier leaves it. The occupation of the house would not have ceased, because after the term the occupier began, in one week to pack his library, in a second to move his horses, in a third to get his family in order for departure. Neither the occupation of a house, nor the occupation of a territory, has ceased until the house or territory has thoroughly reverted to the owner. But it is said that anything may be established by analogy. Let me proceed, therefore, to the despatch of the noble Marquess to Consul Palgrave on the 30th of September. According to the despatch, the new *régime* in Bulgaria must begin as soon as the nine months are over, because "the provisional Administration is to cease" exactly at that moment. It is clear, therefore, that on the 30th of September, the noble Marquess did not mean a Russian Force after the nine months to linger in that country. The provisional Administration could not cease until the Russian troops had vanished. The same remark applies to East Roumelia; but I do not dwell upon it. It is better to go on with the expressions of the Article. After the nine months in East Roumelia and Bulgaria, the closing paragraph allows three months for traversing Roumania. How could the Congress have laid down that three months might be employed in traversing Roumania, unless it held that at the beginning of the three months the other countries would be liberated? If the Russian Armies may be marching within the Ottoman and the Bulgarian Dominions after the nine months, they cannot be during the three months in Moldavia and Wallachia. According to the new interpretation, the Russian Force, (as an united whole, should be at once on both sides of the Danube, a feat without a precedent in history. No doubt, in vague terms, the Forces of the Czar have been sometimes referred to as colossal. But to execute the task the new interpretation would assign to them, each individual soldier must stride—over a large and rapid flood—as a colossus. My Lords, the same view may be supported

by referring to the Protocols of Berlin. It is there distinctly seen that Count Schouvaloff demanded nine months, in order in that time to evacuate Roumelia and Bulgaria; three months, in order in that time to evacuate the territory which lies beyond the Danube. The definitive Treaty between Russia and the Porte is based on the same principle. But it is unnecessary to refer to it, because there is a quicker mode of reaching a conclusion. No one will deny that the Article may be interpreted against the Russian claim, although he thinks it may be construed also to support it. It was interpreted against the Russian claim by the noble Duke who addressed the House on Friday; by the noble Earl the Lord Warden, who, this day fortnight, first elicited the present doctrine from the Government; by all the journalists of Europe until the noble Marquess spoke on that occasion; by all the most habitual reasoners on Eastern topics, against the noble Marquess since his doctrine was promulgated, which they have certainly repelled, whether or not they have disposed of it. The utmost which the new interpreters can urge is, that the stipulation is ambiguous. Let me then grant its ambiguity. Here public law steps in at once to rescue us from difficulty. It is the maxim of public law, as well known to Sir Robert Phillimore as Vattel, that where a passage in the Treaty is ambiguous, it is to be construed against the Power which had the most decisive voice in the formation of the Articles; on this ground—that the strongest Power has brought about the ambiguity it ought to have prevented. The mode in which Vattel reasons, in a special chapter on Treaties of Peace, is almost prophetic of the circumstances which surround us. Such Treaties are nearly certain, he considers, to be fraught with ambiguity. But the Power by which a given stipulation is imposed, and not the Power on which it is imposed, must suffer loss from the obscurity. The principle is backed by a tenet of Roman law that damage falls upon the party "*Cujus in postestate fuit rem apertius conscribere.*" Now it is seen clearly, by the Protocols, that the occupation was nothing but a sacrifice to a victorious invader. Neither the Sublime Porte, nor any other Power, aimed at it. It was open to Russia to intimate, in language not to be mis-

taken, that until the end of nine months her Armies would not begin a movement of withdrawal. If the new interpretation is correct, the other Powers would have sanctioned it. If they would not have sanctioned it, the new interpretation is erroneous. As this ground is by far the most conclusive, it would not be judicious to add another to it. Ambiguity is not denied, and ambiguity suffices to overthrow the Russian version. My Lords, it does not follow that the Government are an object of severe reproach for an untenable interpretation of the 22nd Article. They may have had to listen during many weeks to every kind of sophistry by which it can be palliated. The Members of an Opposition are not similarly circumstanced. I take no credit to myself for still adhering to the true interpretation. Let me refer a moment to the Papers which I move for. They go to ascertain whether or not the other Signatory Powers at once departed from the ground originally contemplated. Now it is affirmed, with as much gravity as anything we have to trace to unofficial correspondence, that Austria wholly differed from the last conclusion of the Government. It is affirmed by sources which we generally credit, that Count Andrassy has protested against the legal status of the Russian Force after the 3rd of May, except between the Danube and the Pruth, where they may march or rest until the 3rd of August. But we are utterly devoid of all official knowledge as to the line of Austria or any Signatory Power. Should the day ever come when the transactions of the Eastern Question are reviewed, not only to entertain the House, or dazzle its frequenters, or to affect opinion out-of-doors, but to invoke the judgment of your Lordships, it is requisite to know whether, in so grave a measure as that of allowing Russia to begin a movement at the time she ought to have completed it, Great Britain has led or followed other Powers, has been in unison with Austria, or opposed and overruled her. There is nothing, therefore, useless or irrelevant in the correspondence I suggest; nor except in the case that no despatches were exchanged, do I imagine that the Government, or Foreign Office, or the noble Marquess who presides in that Department, will be reluctant to produce them. My Lords, although I have done it already to

some extent, it may be prudent to insist again that the object of the Notice is not to dress up a case against Her Majesty's Government, but to contribute, by means of the House and those who may address it, to the deliverance from Russian arms of the important region they are grasping. Some men entitled to respect, both in the House and out of it, are inclined to view that deliverance as easily attainable, indeed, as virtually accomplished. It seems to me they utterly deceive themselves; and neither reflect with care upon the slender means which exist for the attainment of their purpose, nor the urgent motives which may lead the authorities of Russia to defeat it. As to the means, what are they? The German Empire has repeatedly declared its inability, which may be its reluctance, to exert military power at so great a distance. Austria, as it was easy to learn during the autumn at Vienna, has been exhausted by her unexpected struggles in Herzegovina and Bosnia to a degree which greatly lessens her capacity for effort on the Danube. France and Italy, however good their dispositions, however eminent their Leaders, are no more available as restraints upon aggression in the East than San Marino and Monaco. Great Britain—in spite of the announcement we have heard to-night—has still one anxious war to occupy her Forces. But let us turn to Russian motives. By remaining a considerable period between the Danube and the Pruth, or even where she is at present, Russia may impose upon Bulgaria the type most favourable to her objects; ensure the general supremacy of those who represent her at Constantinople; control the Principalities which have been flung into the air without a Suzerain to shelter them, without a Treaty rendering it penal to attack them, and gratify the military interest by which, as yet, her foreign policy is uniformly regulated. It is true that internal difficulties tend to the recall of Armies to the centre. The malevolent assailant of the Czar may, unintentionally, be the liberator of the Balkans. But we know too little to depend on such an agency as likely to outbalance the habitual and traditional influences we are perfectly acquainted with. Three documents which have been recently presented—the despatch of the noble Marquess on the 26th of January, the lan-

guage held by Prince Dondoukoff to Lord Donoughmore, the Report of Surgeon Buckle on the condition of the territory between Adrianople and Philippopolis—reveal objects so wholly inconsistent with the Treaty of Berlin, that nothing but a longer occupation of European Turkey can effect them. At least, prudent men will look back and ask how far their past anticipations have been realized in any given sphere, before depending on a new one. At every stage of this long transaction, the kind of confidence which now prevails has been rebuked and disappointed. When the three Powers declared their intention to negotiate with Servia and Roumania, it was hoped that there was very little in it; that it was nothing but a technical arrangement; that the Eastern Question was not going to be resuscitated. Who would not blush, after the event, at having shared in such fatuity? It was then hoped that the Herzegovinian Insurrection would burn out in its own crater. It was next hoped that the Conference of 1876 would lead to the adjustment of the new commotions which alarmed us. As soon as it collapsed, the impression was that by some other agencies an European war might be prevented. War having begun, the hope was that Constantinople would not be endangered by it. After the Treaty of Berlin, it was hoped that by the 3rd of May there would not be a Russian soldier in Bulgaria. And now, at the end of these disheartening illusions, it is the fashion to proclaim belief in the complete evacuation by the 3rd of August, as if every previous vision had been systematically realized by the course of history—which disperses and exposes it. But I will not pursue that topic beyond the point which seemed desirable to vindicate the Notice, and move for the Correspondence between Her Majesty's Government and other Powers, on the 22nd Article of the Treaty of Berlin.

Moved, "That the Correspondence between Her Majesty's Government and other Powers on Article 22 of the Treaty of Berlin be laid upon the Table."—(*The Lord Stratheden and Campbell.*)

THE MARQUESS OF SALISBURY: My Lords, I am not disposed to contend that the Article of the Treaty which formed the subject of the noble Lord (Lord Campbell's) speech is wholly free

from ambiguity. It is our experience in this, and the other House of Parliament, that when there are several clauses in a Bill over which a long battle is fought in Committee, and when that Bill becomes an act of Parliament, it is often found by the Judges that a more technical accuracy in its enactments would have been desirable. Perhaps, something of that kind has occurred in this instance, as the Article in question was the subject of a great deal of discussion in the Congress of Berlin, and, subsequently, on the part of the Commission; but I think the simile the noble Lord used indicates a fallacy lurking in his mind in respect of this matter. He said that a man who was to occupy a house for a certain time was bound to be out of it by the end of the term of occupation; and that, in like manner, as Russia was to occupy those Provinces only for a certain time, she was bound to have evacuated them by that time. There is, however, this difference between the two cases. A man, with all his furniture, can get out of a house in one day; but an Army cannot get out of two Provinces quite so easily, and that is the gist of the controversy. We think that evacuation and occupation are two totally different things. An Army which is evacuating cannot be occupying. Occupation is a technical military term. When an occupation is over, undoubtedly the Army is bound to evacuate with as much expedition as possible. But this matter has been already before this House, and I think before the other House of Parliament, and, without wishing to derogate from its importance, I am not sure that I attach to the difference of time as between the two interpretations, the consequence which appears to be attributed to it by the noble Lord. With respect to the production of Correspondence, I am afraid there is considerable difficulty, and that for the reason that there is none. Speaking from memory, I have never had any written communication on this subject with the Russian Ambassador here, or Her Majesty's Ambassador at St Petersburg. The only Correspondence that I remember on the subject was this—some time in the spring, between the end of February and the beginning of March, Sir Henry Elliot asked me by telegraph what my view on this point was, and I then stated to him what I have stated in your Lord-

ships' House. I shall look for the telegrams, and I shall lay them on the Table if I think they can be produced. I suppose the noble Lord will not think it necessary to press his Motion for Papers, when I state that there are only those telegraphic messages.

LORD HOUGHTON said, it was curious that there had been no Correspondence on the solution of a doubt on so important a subject, and it was unfortunate that so important an Article had been drawn in a manner which left a doubt as to its proper interpretation. When the doubt arose, was the solution of it left to Russia? The prolongation of occupation would be of no great importance were it not for the nature of the occupation itself. It was of something more than a military character. It had a political character also, and every hour that it was continued it carried with it a source of provocation and danger. No sooner was Prince Battenberg elected Prince of Bulgaria, than he repaired to Livadia, and virtually accepted the Emperor of Russia as his Suzerain. From that, it might be concluded that the policy of Bulgaria would be that of Russia. The delay in the evacuation was to be regretted; but it was to be hoped that if there had been ambiguity in the past, there would be none in the future.

EARL GRANVILLE: My Lords, I agree with my noble Friends who hold that the evacuation of these Provinces is a matter of the last importance. Neither am I surprised at the construction which my noble Friend (Lord Campbell) put on Article 22, because I put the same construction on it myself; but I am not one of those who think that Her Majesty's Government ought to have been more strict. If they thought there was a danger of disorder and bloodshed if the evacuation were carried out suddenly—and I think, from published Papers which we have seen, there was such a danger—then it seems to me that they are not to blame. On the contrary, I think they ought to be commended for having adopted a more liberal construction of the terms relating to the evacuation by the Russians, as well as of the clause respecting an occupation of the Balkan fortresses by the Turks. I cannot, therefore, agree in the views of the two noble Lords as to the action of the Government in this matter.

The Marquess of Salisbury

LORD CAMPBELL understood, with the greatest satisfaction, the noble Marquess to recognize the ambiguity from which everything followed. He could not accede to the opinion of the noble Marquess, that to evacuate the territory between the Balkans and the Danube by the 3rd of May was practically difficult in the manner he contended. Although it was a military point, and he (Lord Campbell) spoke before some military critics, he would hazard the remark that had the 50,000 men been aligned in the vicinity of the Danube at the beginning of the month, they would have effected the passage of that river by their pontoon bridges, not having any enemy in front of them, with considerable ease in four-and-twenty hours. The view of the noble Marquess on this point appeared to him unjust to their commanders. Of course, as the noble Marquess had no despatches to produce, he would not press the Motion. Before sitting down, he must acknowledge the powerful support which his noble Friend who sat upon his right (Lord Houghton)—without which he could not have submitted it with so much advantage to the House—had given to his interpretation of the Treaty.

Motion, by leave of the House, *withdrawn*.

LANDED ESTATES COURT (IRELAND).

MOTION FOR RETURNS.

THE DUKE OF ARGYLL, in moving for certain Returns, said, that some few years ago he moved for a Return of the number of sales which took place under what are popularly called the Bright Clauses of the Irish Land Act, and he now wished to have the Return carried down to the present day, if their Lordships had no objection to make the proposal. In moving for the Return, he would only say that he trusted that Her Majesty's Government would give the subject the most serious attention. He remembered very well when the Cabinet of Mr. Gladstone brought forward the Irish Land Act, they were in some trepidation as to the way in which the Bright Clauses would be received in their Lordship's House, because those clauses proposed that the State should lend money to persons to buy land with, and he was pleased to hear the noble Mar-

guess opposite (the Marquess of Salisbury) on that occasion, state very strongly that it was a matter of public policy to make as many landowners in Ireland as possible. He quite agreed with his noble Friend; but he was afraid that those clauses had not worked so well in increasing the number of landowners as had been anticipated. It was said that this was owing to the expense of making purchases under those clauses. At all events, the Irish Church Commissioners had done more in the same direction. No fewer than 5,000 tenants had become landowners by means of the facilities afforded by those Commissioners. He thought it of great importance that the Government should devise a system by which, on a large scale, the Irish tenants might become owners of land by purchase, because he observed that all the Land Bills being introduced from other quarters were for enabling tenants to acquire land without going through the formality of paying for it.

LORD STANLEY OF ALDERLEY: As reference has been made to Mr. Bright's Clauses having become inoperative on account of the expense, I may be excused if I remind the House that when the Act was being passed, I pointed out that if precautions were not taken, those clauses would be inoperative, because the practice of one public Department would probably be like that of another; and the office of Woods and Forests, in a case I knew of, had charged 7*s.* worth of land, with £2 odd shillings costs of conveyance, and such costs would prevent any tenants from purchasing under these clauses. I then moved an Amendment, with a view to reducing the expenses; but my noble Friend (the Earl of Kimberley) opposed it, and said that—

"Rules would be framed by the Privy Council in Ireland, and they would, no doubt, take care to provide for this."—[3 *Hansard*, ccii. 1454.]

As a matter of curiosity, I should like to know whether my noble Friend ever took any steps in this sense, or whether, as was probable, he never thought any more about it, after giving this answer?

Motion agreed to.

I. Return (in continuation of No. 238, 1876,) showing (1) in Provinces, and (2) in Counties, the Landed Estates held either in fee, fee farm, for lives renewable for ever, or for terms of years of which sixty shall have been unexpired,

sold in one or more lots in the Landed Estates Court for each of the years ending respectively 31st December 1876, 1877, and 1878, giving the following particulars in each of the foregoing periods:

- (3) The name of the estate;
- (4) The cost of sale;
- (5) The tenure of each lot;
- (6) The number of each lot;
- (7) The acreage (statute measure) of each lot;
- (8) The profit rent;
- (9) The Poor Law valuation of each lot as set out in the rental filed in the Landed Estates Court;
- (10) The amount of purchase money;
- (11) The number of years purchase:

II. Return, in Provinces and Counties, of Estates sold during the years 1876, 1877, and 1878 in one or more lots in the Landed Estates Court under Part III. of the Landlord and Tenant (Ireland) Act, 1870, in which charging orders have been made in favour of the Board of Works, giving in each case the same particulars as in Return No. I.:

Ordered to be laid before the House.—(*The Duke of Argyll*.)

SOUTH AFRICA—THE ZULU WAR— THE RE-INFORCEMENTS—CONDI- TION OF THE REGIMENTS.

OBSERVATIONS.

LORD TRURO, in rising to call attention to a Return showing the condition as regarded efficiency and strength of the regiments of Infantry sent from this country to South Africa in February last, said, the subject which he had to bring before their Lordships was one of Imperial interest. It was no less than this—had the country, under the newly-adopted military system, an Army adequate to its wants and available for all emergencies? If the system had failed they were bound to consider the determined purpose of the nation to be provided with a military Force adequate in all respects to its requirements. The Return to which he desired to call attention, pointed out in a decisive and glaring manner the defects of our present military organization, and it showed with directness and clearness the source from which those defects arose. In the month of February last, Lord Chelmsford applied to Her Majesty's Government for re-inforcements. Lord Chelmsford was a distinguished officer, and had held military appointments to enable him to know what the strength of regiments was, and how strongly each regiment should be constituted. When his Lordship, therefore, applied to be re-inforced

by five regiments, he knew that his re-inforcements would amount to no less than 5,000 men, if the regiments were properly constituted. It was, first of all, to the strength of these regiments, not less than the troops themselves which constituted them, to which he earnestly invited attention. These re-inforcements, instead of numbering 5,000 men, as a matter of fact, numbered only 4,435, of whom 905 had not served for the full period of 12 months. As to the material of which those troops were composed, more than one in three, or 1,585 in all, were under 21 years of age. Of those 1,585, no fewer than 500 were under 20 years, 251 were under 19 years, and 37 were under 18 years. Now, that was the condition of the Force sent out to Lord Chelmsford, and he (Lord Truro) ventured to remark that, however unfortunate it was that the re-inforcements should be constituted of men so young and unformed, yet there was one thing more unfortunate still, and that was that the non-commissioned officers were inexperienced. Of those attached to the Force of which he had spoken, 45 were under the age of 24, 100 had not reached the age of 22, 54 were not 21 years of age, and 12 were under the age of 20. Their Lordships would be able to form some opinion of the character of the Force which the necessities of this country had compelled the Government to send out in view of the contention frequently urged, that the strength of the British Army depended mainly upon the experience, tact, and judgment of its non-commissioned officers. In the case he had mentioned, more than a third of the rank-and-file were under 21 years of age, and there was not a non-commissioned officer over 24 years of age. In making these remarks, he wished simply to call attention to a system which had not worked well up to the present, and had only been a short time in operation, but in regard to the future working of which much interest must necessarily be felt. The present system provided that a man should serve 12 years—six with the Colours, and six with the Reserves. But the service with the Colours was often only a period of three years, at the end of which the men had the option of going into the Reserve. He understood this system of allowing men to go after three or four years' service had been found undesirable, and he hoped that in future

Lord Truro

men would not be allowed to retire so speedily. It was not in the interest of the public that the Crown should pay a large amount of money for the services of what was really little better than raw recruits. Perhaps it was not, under the circumstances, to be regretted that recent wars had afforded to the Government and the country an opportunity of judging the merits and defects of this newly-instituted and only partially-tried system. When it was considered that in almost every handicraft an apprentice spoilt his master's materials for one or two years, worked for other two years without wages, and completed his apprenticeship with a nominal payment, it was somewhat curious to find that what might be called military apprentices in the National Service were dealt with on an opposite principle, and received payment from the moment their apprenticeship commenced. A noble Earl (the Earl of Longford), whom he regretted not to see in his place, had formulated his views, and, on this branch of the subject, the noble Earl held that, as soon as enlisted, recruits ought to be relegated to dépôts for instruction, and not sent to their regiments until they were fit for something like substantial service, inducements being offered to them in the meantime to fit themselves as soon as possible for service with the Colours. In connection with the contention that it was too early to find fault with a military system so recent as that of Viscount Cardwell's, he might say that, in his opinion, there was great credit due to the noble Viscount for the nerve and determination he showed in carrying out the will of the people to possess a cheap, efficient, and popular Army in face of a deeply-rooted system of ancient reverences—he would not call them prejudices—and a lively Party opposition. To a great extent, the noble Viscount succeeded in the task imposed upon him, a task which included not only the difficulty he had suggested, but the further ones of producing an Army capable of expansion and contraction, and of making happy and contented those officers who were subjected to enforced retirement. But there were still greater difficulties yet to be dealt with. It was a most important fact that, to make up the re-inforcements for abroad, 1,400 were taken from home regiments; that in some cases such regiments were reduced

to as low a strength as 200 men; and that in a regiment, in one of the most important fortresses in the Kingdom, there were not more than six men available for garrison duty. It had been said in some quarters that the country was not willing to provide further national resources; but, he believed he expressed the opinions of the highest officials, when he said that an augmentation of the British Army was absolutely necessary in order to support the interests of the country, protect its commerce, and supply re-inforcements in case of wars such as those in which we were now engaged, and furnish drafts for regiments serving in India and our Dependencies abroad. Those official authorities also held that, in addition to re-inforcing the Army, it was necessary to make some modifications in the existing system of military organizations and management.

VISCOUNT HARDINGE thought that the policy of the late Secretary of State for War (Viscount Cardwell), and the effects of the re-organization of the Army instituted during his tenure of office, were questions which it would be inconvenient for their Lordships to enter into on that occasion, more especially as it was rumoured that Her Majesty's Government intended to appoint a Commission or a Committee to investigate the whole subject. Confining his remarks to the condition of the regiments sent out as re-inforcements to Lord Chelmsford, he desired to say that the figures quoted by the noble Lord opposite (Lord Truro) showed that those regiments were in a lamentable state as regarded efficiency. One regiment—the 21st Fusiliers—with which he was familiar, having a son in it—when ordered to the Cape, was actually obliged to send back to the dépôt as many as 353 boys who were utterly unfit for active service. There were only 314 men in that regiment, out of a strength of about 900, who had reached the age of 24, the remainder being immature youths. Only 194 of the men had completed their six years' service. This was a very unfortunate and unsatisfactory state of things. The other regiments which were sent to the Cape would be found, if the Returns were examined, to be in very much the same condition. He wished, however, to say, in reference to the regiment which he had named, that he had received letters

which showed that the boys who were in it had stood the test of long marches to the front in bad weather very well. But he doubted whether such troops could bear the strain of a prolonged campaign. The most unsatisfactory part of the whole Returns related to the non-commissioned officers. The efficiency of an Army depended upon the efficiency of the non-commissioned officers. The chief flaw in the short-service system was the want of non-commissioned officers. He desired to draw the attention of his noble Friend the Under Secretary of State for War (Viscount Bury) to a recommendation which had been made by a Committee of which the present Secretary of State for War (Colonel Stanley) was Chairman. None of those recommendations had been carried out, although the present Minister of War was Chairman. That recommendation was that regiments with both of their battalions abroad should receive assistance in recruiting from brigade dépôts, by the establishment of a system of volunteering, which they deprecated generally, observing that under certain circumstances a portion of the Reserves should be called out. And the Committee said—

“We submit that there may be circumstances of emergency not of sufficient importance to justify the general embodiment of the Militia, and yet of sufficient gravity to necessitate an immediate, though temporary, increase of trained men. In such an event, which can happen extremely seldom, we think a certain proportion of Reserve men should be recalled to the Colours.”

He was of opinion that what had occurred in Africa a short time ago was certainly such an emergency as the Committee had in view. In such an emergency, the Government should have the power of calling out a certain portion of our Reserve men, and he wished to know why this recommendation had not been resorted to. Short service might be too dearly purchased, and he hoped that the questions of short service and the general re-organization of the Army would be investigated in a thoroughly impartial manner. The question should not be referred to those who had inaugurated the present system, but to those who would bring independent opinion to bear on the subject.

VISCOUNT BURY thought the House must have felt that both the noble Lords who had addressed it had done so

with a great sense of responsibility, and with a very praiseworthy absence of anything like exaggeration, which, on the topic before their Lordships, would be extremely undesirable from many points of view. Exaggeration might tend to cause an undue panic and an unreasoning fear out-of-doors, and might have a very bad effect in the Army itself. He was not there, representing the War Office, as he did, to speak with "bated breath and whispering humbleness" upon the points before their Lordships. He acknowledged, and the Department acknowledged, that there were many and great faults in the system which had been inaugurated; but it was desirable that they should not attach too much importance to those faults, or exaggerate their nature. They should look at the true state of things and see if there were not within their reach an easy remedy. Of course, if Her Majesty's Government were responsible for the state of things which had arisen—if to the policy of Her Majesty's Government alone was to be referred the fact that the regiments which had gone out to Zululand were below such a standard of age as was desirable, and that they had been brought up to their full strength in a manner which might be objected to from a military point of view—if Her Majesty's Government were responsible for all that, they might be ashamed of presenting themselves before the House, and of inviting—as his noble Friend who sat behind him (Viscount Hardinge) had just done—a free, impartial, and full discussion upon this great subject. But, in the first place, the system upon which the British Army was now built up was, as his noble Friend opposite very well expressed it, a new system, and a system which was upon its trial. It was also a system for which no one Government could be held responsible. It was true that a Committee, presided over by his right hon. Friend the present Secretary of State for War (Colonel Stanley), made certain recommendations; but those recommendations were only in continuation of others made by the noble Viscount on the opposite Benches (Viscount Cardwell). He believed, too, that the noble Viscount made his recommendations only after consulting all the military experience at his command. Feeling that a great change was necessary

in the constitution of the Army, the subject having been previously debated for years, the noble Viscount set on foot a system which he believed was most likely to prove an ample and proper reform of our Army system; and the illustrious Duke at the head of the Army (the Duke of Cambridge) gave him the advice which, in his opinion, should be followed under the conditions which had been submitted to him. Therefore, one Government after another, one Committee after another, were concerned in these recommendations, which were assented to by the illustrious Duke. No one Government was responsible for what had taken place. The question was discussed for several years when he (Viscount Bury) held a seat in the House of Commons, and every step which had been taken since had been taken for the purpose of giving effect to the determination which was arrived at by the House and the country at large. Therefore, although he did not deny that there were grave defects in our military system, he could say, without Party bias, for it was not a Party question at all, that it was a matter in which they ought to put their heads together with a view to ascertain whether a remedy was not at hand, and how best it could be applied. There was another reason why they should be very chary in setting aside the recommendations made in 1871, and that was that in carrying out those recommendations in reference to the brigade depôt system, so large a sum of money had been expended, that it would be cruel and unjust to the country to throw it to one side. They had spent up to the present time £2,743,579 on the establishment of brigade depôts throughout the country. It might be that their organization was not perfect; but Her Majesty's Government were of opinion that that fact would best be met, not by throwing all that had been done aside, but by full and deliberate investigation point by point, of the various items which could be improved, and by endeavouring to devise what the improvement should be. They should also remember that the new system, although it had not been very long in operation, had still acted pretty well. They were nominally in a state of peace—that was, they were not in that state of war which would enable them to call out the Reserves. The

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had, he was going to say, two wars on their hands; but the announcement made by his noble Friend behind him (Viscount Cranbrook) left them, happily, in a position to say that they had only one war on their hands. But until now they had had two, and they could not, by any stretch of imagination, be called little wars, and they had had to fight them with an Army upon a peace footing; and, therefore, the system by which, without any undue exertion, they were enabled to supply the requisite number of men to the two Armies in the field could hardly be said to have broken down, although he admitted that, on an inspection of the various regiments, some fault was to be found as to the inexperience of the non-commissioned officers, and the ages of them. His noble Friend (Lord Truro) had, however, he thought, a little overrated that point. He (Viscount Bury) would take the first regiment on the list, the 2nd Battalion of the 21st Regiment. Of its 888 men, more than half—about 500—were over 21 years of age, and it would be admitted that men over 21 years of age were well able to go through the dangers and difficulties of a campaign. He was not denying that there were a good many youths in the regiments; but this he said—that it was very important there should not be entertained out-of-doors any exaggerated views of the difficulties which existed; that it should not be thought the men were such mere boys, and so utterly inexperienced, as his noble Friend had rhetorically stated. The system under which the Army was organized certainly had, as he had already stated, faults. They had now 16,609 First Class Army Reserve, 21,976 Second Class Army Reserve, and a Militia Reserve of 20,110; in all a Reserve of 58,695 men. It might be asked—"Why, then, if you are so hard up for men as to be obliged to gather them in here and there, do you not call out your Reserves?" The reason was that they were prohibited from doing so by positive legislative enactment. In the Army Organization Act of 1870, it was provided that unless a grave national emergency was declared by Parliament, or if Parliament were not sitting, by Order in Council, they could not call out the Reserves, or any part of them, or embody the Militia. They were, therefore, prohibited from calling out any one of the 58,000 men

of which he had spoken; and they were also prevented from accepting the services of any of those men, even if they chose to volunteer. Until a few days ago, they were under the impression that if any of the Reserve men desired to rejoin the Colours, they were at liberty to do so; but from an opinion they obtained from the Law Officers of the Crown it appeared that such was not the case. What, then, was to be done? They fell back upon the general organization of 1872, which was yet wanting in elasticity to make it exactly suited to the exigencies of the country. The system went on the assumption that they should have generally 70 battalions abroad and 70 at home—that the battalion at home and that abroad should be linked together, and that the latter should be kept up to its full strength by drafts from the battalion at home. To these were to be attached what was called a *dépôt* centre, and that had at its back the Militia and Volunteers of the district. Well, that was all very well in theory, and it would have worked well practically, if they had never had more than 70 battalions abroad. But in the first year of the system they had 71 battalions abroad, and they never since had less; while at that moment they had 85 battalions abroad. The consequence was that 15 of the linked battalions were deprived of any regiment at their back from which their full strength could be made up, and that 55 regiments at home had not only to supply their own linked battalions, but 15 other battalions, and the casualties in their own ranks. That was a dislocation of the system inaugurated by his noble Friend opposite (Viscount Cardwell) which probably he never could entirely have foreseen, and which would have been obviated by some means of elasticity had it been foreseen. Not being able, then, to call out the Reserves or embody the Militia, they could only have recourse to enlisting, and enlisting, he would remind his noble Friend, gave them nothing but boys; and that was the state of things in the present exceptional position, with a war in Zululand and a war, up to the present time, in Afghanistan. He did not know whether it would be a bull to say that the position, although it was exceptional, was habitual, for they might be said to be never entirely at peace and never entirely

at war. Since 1852 they had had the Crimean War, the Persian War, the Indian Mutiny, two New Zealand Wars, the Abyssinian War, the Franco-German War, the Russo-Turkish War, the Ashantee War, the Afghanistan War, and the Zulu War; but on only two occasions were the Militia called out—during the Russian War and the Indian Mutiny. These were all considerable wars; but they did not all amount to great emergencies justifying the calling out of the Reserves. They were the kind of emergencies which should be met by dislocating the whole system, and which threw them back upon volunteering and recruiting. He had frankly acknowledged the main justice of his noble Friend's strictures. They all felt that something must be done—that the existing difficulty must be faced. The fact was that there was great difficulty in procuring a relaxation of legislative enactments. To do so required time, and, perhaps, in "another place," would provoke opposition and delay. It was not supposed that very many more troops would have to be sent out to Zululand in addition to those already there. The troops under the command of the general there were quite as large a number as could be easily disposed of for the duties for which they were detailed; but they must be kept up to their strength and not be allowed to dwindle away. Now, how was that to be done? The Government believed that if they were permitted to accept the services of those men who having left the Colours volunteered to rejoin, a great point would be gained; but to enable them to do that, some relaxation of the legislative prohibition of 1870 was necessary. The question was one which would receive the careful attention of the Government. Probably, too, some means might be found of greasing the wheels of the military machinery. For that purpose the Government would appeal to the military Advisers of the Crown as to what relaxations and changes in the existing brigade *depôt* system could be recommended; and, of course, it would be on the responsibility of the Government either to accept or to pass by those recommendations. His noble Friend behind him (Viscount Hardinge) had said that, out-of-doors, there was a belief that a Committee was to be appointed to inquire into the brigade

depôt system. It would be satisfactory to the House to hear that such was the case. He hoped that such an inquiry, and a slight relaxation of legislative prohibitions, such as he had already described, would meet the exigencies of the case, and place them in a much better position in the future than they were in at the present moment.

THE DUKE OF CAMBRIDGE: My Lords, I am exceedingly anxious to say a word with regard to the question before the House. There are difficulties to which frank reference has been made in the course of the debate. The subject is a most grave and serious one. It concerns everyone in the country, every Member of the Legislature, and every citizen of this Empire; and I venture to hope that, whatever may be said or done on the subject, at all events we shall try to deal with it from a large and unbiassed point of view, and that we shall not suffer personal or Party feeling, either one way or the other, to influence us. It is said that the Army is not in a satisfactory condition at the present moment. My Lords, you must remember the Army has at present a severe strain upon it; I can call it nothing else. What has been its condition for some considerable time? We have had troops in the field in two distant parts of the world, and they have had to be largely supplemented by Reserves. Now, let me at once say that the question of Reserves is a question of money. You may by this, that, or the other device bolster up an Army; but unless the country is prepared to pay for an Army it cannot have an efficient one. Men will not come to your Army and stay with it unless they think it worth their while. That is the point we have to deal with. As regards the number of men obtained, the short service system, which I have always said was a tentative one, has been, to a great extent, satisfactory. The men at one time came in so rapidly, and so much in excess of our requirements, that those who had served three years were allowed at once to go into the Reserves. The feeling of the military authorities was that they ought on no account to check recruiting, but rather to let them pass into the Reserves before their full period of service had expired. Such was the state of things previous to the commencement of these wars, and, to some extent, the main

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service was crippled when the pressure came. Another difficulty has reference to India. Though only two additional regiments are in India at this moment, we had to send large drafts out, because we wished to keep up regiments there to their full strength. Thus it was that the men were taken and the boys; left. The regiments at home are really composed of boys; and they are also, in fact, large depôts for the Forces serving abroad. A difficulty has also arisen in regard to the system of linked battalions—one at home and one abroad. The principle, as originally conceived, was that there should be 70 battalions at home and 70 abroad; but it is frequently found impossible to carry this out. When demands came upon them the Government could not say—“We must keep a certain number of battalions at home;” they had to meet the exigencies of the case as best they could. The result is that we have now 15 cases in which both battalions are abroad. The legislative difficulty to which my noble Friend (Viscount Bury) has referred is, I admit, a most unfortunate one. Perhaps I am as much responsible for it as anybody else; but until the difficulty arose I had no idea that we were absolutely debarred from taking any Reserve men whatever. We have applications from Reserve men to volunteer; the State would give anything for their services, and yet it is not at liberty to avail itself of their offer. I have always spoken with great respect of the Reserve Forces, who responded to the call for their services last year in a manner so creditable to themselves. I am very anxious that we should not meddle with their civil avocations more than necessary; but when we pay 6*d.* a-day for a man for six, and sometimes for nine years, it is a little hard to get nothing out of him when an emergency arises. That is a state of things which certainly requires modification. I would not force these men to serve. I would be content to allow them to volunteer from the Reserve, and we should thus get the services of more seasoned men than we do at present. At the same time, you can never expect to see such a well-seasoned Army as we had under the long service system. We must necessarily have a large proportion of young men and young non-commissioned officers. It is sad that this should be the case,

but so it is. It is really a question of payment. If you want men to stay with the Colours, you must make it worth their while. Some of the best six years' men have said that they would stay if their prospects were as good with the Colours as they would be elsewhere. You must recollect that when a man has served his short service, and obtained all his good-conduct stripes, he has to consider his position—whether he shall elect to become a non-commissioned officer and enter into a new engagement for six years, or whether he shall retire upon the Reserve; and it is not to be wondered at, considering all the risks, that he will not take the chance of becoming a non-commissioned officer. There seems to have been some misunderstanding as to what I said the other day about the localization of the Army. Local connection is, no doubt, of great value; but the localization of the Army, in the French or Prussian sense of the word, is an impossibility with our service. It is utterly inconsistent with our military system, because we have not conscription as they have. Therefore, I say that the localization of our Army is an impossibility, and must be left out of our calculations; but local connection is a desirable thing. I do not think that it would produce as many recruits as might be desired, because we have not any strong indication that the Militia are specially anxious to join a specific corps. To some extent, it is the case; but I think, generally speaking, that men go to the large towns and enlist there. Officers are generally extremely anxious to get the men away from their local depôts. They say—“Don't leave the men here, where they are tempted to desert, and where they are treated, perhaps too liberally, by their friends, and get into trouble.” I am quite satisfied to leave it to the Committee to report to the Government, and I do not think there need be any alarm about going back to the old system. What would be more acceptable would be a modification of the new system; and I think it will, with changes, be found to have advantages over the old. If I chose to go into details, I could give an account of every one of these regiments. We did the best we could, and we got the Force out in a fortnight. Under the circumstances, we did the best we could in sending out troops to the Cape. I do

not admire the system of volunteering, as we have been obliged to resort to it; but that is not the question. When men were wanted, what was to be done? I think that, looking at all the circumstances, blame cannot fairly be attached to anyone for having produced such a Return as I hold in my hand, which I admit is not a satisfactory one. I hope we shall, after due deliberation, now inaugurate a system under which no man will be sent out who is not fit for immediate military duty.

THE MARQUESS OF LANSDOWNE said, he was not at all surprised that the noble Lord behind him (Lord Truro) had called attention to this subject, and he congratulated him on the discussion which had taken place. He entirely agreed with him in deploring that it was necessary to send out on a distant expedition a single soldier who, in the opinion of His Royal Highness, was not adequate for the discharge of his military duties; and as to the system of completing the drafts by means of volunteers from other regiments, he did not yield to the noble Lord in his disapprobation of that system. By doing so, they discounted their future resources and gave a considerable blow to the regimental *esprit de corps* which they were so anxious to promote. These results were not the inevitable consequence of what had been called the newly-adopted military system of the country. That system was expressly designed to avoid consequences of that kind. With regard to the youth of the recruits, he wished to make this observation. In a country where enlistment was voluntary there must be young recruits. If they endeavoured to get older men, they would only get those who had failed in other professions, or who were physically unfit for the Army. It therefore came to this—there must be youth somewhere, and the question was, where would they have it? The principle of short service was that it was better to have a young Army with seasoned Reserves, than an Army of older soldiers with nothing to fall back upon but raw reinforcements taken from the tail of the plough or the corner of the streets. The latter was the system which prevailed before the introduction of short service, and those who were familiar with the condition of our Army during the progress of the Crimean War must know how completely

that system had failed. The new system—the system of 1872—had not had a full or complete trial. If he wanted a description of that system, he should turn to a Memorandum prepared by the illustrious Duke (the Duke of Cambridge), which was accompanied by the Report of the Committee, commonly called General M'Dougall's Committee. At the close of His Royal Highness's Memorandum occurred words to the effect that the first battalions on foreign service ought to be on an increased establishment, and form the first part of the *corps d'armée* abroad. In their Report, the Committee enumerated certain steps which were, in their opinion, to be carried out whenever an expedition was sent abroad. The first step was that the Line battalions remaining at home were to be increased by calling up the Army Reserve men and Volunteers, the Militia were to be embodied, and the *depôts* from which casualties were to be supplied were to be expanded. A noble Lord opposite had observed that the system broke down because it was based upon the assumption that there were to be 70 battalions at home and 70 abroad; whereas, as the noble Viscount the Under Secretary of State (Viscount Bury) had informed them, there were at present not 70 battalions at home and 70 abroad, but 85 battalions abroad and only 55 at home. But the steps indicated in General M'Dougall's Committee provided for an expedition of 50 battalions, which would leave only 20 at home; and those steps, if they were properly carried out, would, he believed, be sufficient for an expedition of that magnitude. He was aware that it would not be possible to carry out in a smaller expedition the steps which would be advisable for a great European war. Taking the Reserve men as an example, they had to deal not only with the Reserve men but with their employers; and it would be found, if the impression once got abroad that the passing of a man into the Reserve rendered him liable to serve compulsorily in the Colonies, the Army Reserve men would fail to get employment, and the Army Reserve would become unpopular. There were, therefore, other steps to be taken, steps in the same direction; and he was delighted to find that it was in contemplation to allow the Army Reserve men to volunteer for foreign service, in case of what

was termed a "minor emergency." A Bill, he understood, was on the Table of the House of Commons for that purpose; and knowing the admirable spirit with which the Reserve men responded to the call which was made upon them last year, it seemed to him they might now have a Force available by which they might expand their battalions when they wanted to send out a foreign expedition, without going to the length of compelling the Reserve men to rejoin the Colours. These steps proceeded on the principle of the system of 1872, and he rejoiced to hear that the Government were considering the propriety of having recourse to them. Up to now nothing had been done; not only had none of the steps referred to been taken, but the system had been tried under extremely disadvantageous circumstances. The Afghan War broke out about the time of the relieving season; and so it came to pass that Reserves went out to India, and regiments did not come back again. Then came the Zulu War, which kept 10,000 White men in South Africa, and, besides all this, although the Memorandum of His Royal Highness provided for increasing the strength of the 18 battalions next for foreign service, he (the Marquess of Lansdowne) had not been able to find out that 18 battalions of increased strength were in any part of the United Kingdom when the war in South Africa broke out. There were several battalions at an increased strength; but these were, he believed, at Malta at the time. If only the first stress of the emergency were met by such means as had been indicated, he believed the system of 1872 would work well; and he hoped the Government would not lose a moment in introducing into Parliament the necessary Bill, which would receive the friendly consideration of every Member of that House.

VISCOUNT CRANBROOK: My Lords, I should not have taken part in this debate were it not that some remarks have been made which seems to require a little explanation on my part. It will be borne in mind that I inherited this scheme from the noble Viscount opposite (Viscount Cardwell), and I think it will be generally admitted that I did everything in my power to make it succeed. The noble Marquess (the Marquess of Lansdowne) has just said that it was

part of the scheme that 18 regiments should be kept up to their full strength; but when I came into Office I only found four regiments of that strength, and they were kept ready for the purpose of Indian relief. In order to keep 18 regiments up to their full strength, the Army had to be increased. The events of the last two years have, no doubt, caused considerable confusion in the system; and I am bound to agree with the opinion of the noble Lord (Lord Truro) that the system is not well suited to the present circumstances under which small wars arise. I am sure we shall all be glad if a remedy can be obtained. With reference to the passing into the Reserve of men of three years' service, that course was taken in consequence of the increase in the number of recruits, which rose, on an increase being made by me to the pay of the Army, from between 17,000 and 18,000 to between 29,000 and 30,000, making the Army for a time 2,000 or 3,000 men in excess of what was authorized by Parliament. Two courses were open to me—either to stop recruiting, or to fill up the Reserves. There was a complaint throughout the country that the Reserves were not being filled up, and I thought their more rapid progress very important, and I made an effort to fill them up. The consequence of my doing so was that they made a substantial appearance last year; whereas, two or three years ago, they only amounted to 2,000 or 3,000 men. Of course, I could not keep an excessive number in the Army without invading the rights of the House of Commons; but, by what I did, I secured two men for one—one for the Reserve, and one for the Army. In that way I got the Army full, and we had available for a foreign war a number of serviceable and seasoned soldiers. The Afghan campaign commenced, and though those who conducted it did not draw largely on British Forces, only retaining two additional regiments which were coming home, still drafts were continually going out from regiments at home, and when there was a sudden call for the services of these regiments elsewhere, having sent out their best men to India, they had to be filled up with what are called boys. I agree that there is nothing more unfortunate than that a boy who is hardly fit to carry his musket and knapsack should be sent out

to hard service abroad, and as that was never meant to be done, a number of the more youthful recruits were sent to the depôts. I do not, however, despair, as some do, of the fighting qualities of young men. If you read the annals of the English Army, you will see that young men between 20 and 25 have done as good service as those between 25 and 30. You will find, as a matter of fact, from the Indian Returns, that there is a degree of health and fitness on the part of men who go out at 20 years of age which you cannot find in men who go out at any other age. I admit the importance of having non-commissioned officers fit for their work, and of offering high inducements to efficient men to remain in the Army at the period when they have to consider whether they shall do so or seek some other occupation; but one of the great misfortunes that accompany short service is this—that it is difficult to persuade men who have become non-commissioned officers, after being about four years in the Army, to continue in it when their term of six years is completed. A man who has served a number of years in the Army naturally desires to have something to look forward to in the future; and although it may be more expensive, I cannot help thinking, seeing that non-commissioned officers are the back-bone of the Army, that it would be worth while to incur the expense of offering inducements to retain a limited number of non-commissioned officers, instead of being thrown back, as in many instances, upon young men of insufficient position for the work pressed upon them. The only way to have an Army fit for foreign service is either to form and maintain an effective Army of old soldiers, taking your chance of going into the open market to recruit it, or to enlarge your Reserves by passing men gradually through the Army into it. The proposition was that there should be 25 per cent of old soldiers in all the regiments; but if you cannot get people to enlist for long service, you must take them for short; and, in fact, we have had to fall back on the system of recruiting entirely for short service, with the provision that those who go in for short service should be able at a certain period to go in for the longer service. We are all animated by the same object, and I trust that the recommendations of the Committee

Viscount Cranbrook

which is to be appointed will lead to an improvement in the working of the present system.

VISCOUNT CARDWELL was glad to acknowledge that the noble Viscount (Viscount Cranbrook) had given the plan of his Predecessors most cordial support; and the Report of the Brigade Depôt Committee, which he appointed, contained much information of value to all interested in the subject. He agreed with all that had been said by his noble Friend opposite (Viscount Bury), and concurred with the illustrious Duke (the Duke of Cambridge) that there should be statutory power to volunteer from the Reserves into an Army like that now engaged in Colonial service, if statutory power was necessary. That appeared to be a proper way of meeting the difficulty. There was now on the Table of the other House a Bill to effect that object. There were now 38,000 men in the Reserve, and they might be confidently appealed to to increase the Army. He would be delighted if the new Committee, composed of such able men, should be able to suggest other means than those which had been suggested by the Committee of 1876. All he could say was that he relied upon the Government to support the scheme of which they had now testified their approval, and he hoped they would never see a return to that state of things which existed in the time of the Crimean War, and of which the Commission appointed in 1867 gave such a lamentable account. The youth of the recruits in Lord Raglan's time, and also in Lord Dalhousie's time, everyone knew. But the recruits now were of a very different quality, and, as his noble Friend opposite had said, they were material upon which they could rely for splendid service. The difference between having men too old and men too young was this—that men too young had a great deal of vitality and activity in them, which could not be said of men too old. However, by availing themselves of volunteers from the Reserves, they might fill the ranks with older soldiers than they had at present, and then they would have a powerful Army.

LORD TRURO said a few words in reply which were inaudible.

House adjourned at Eight o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Monday, 19th May, 1879.

MINUTES.]—SELECT COMMITTEE—*Report—Hall-Marking (Gold and Silver)* [No. 191].
 SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES, Class III., Votes 1 to 15.
 PRIVATE BILL (*by Order*)—*Second Reading*—Teign Valley Railway Extension*.
 PUBLIC BILLS—*Ordered—First Reading*—Terms of Removal (Scotland)* [189]; Costs Taxation (House of Commons)* [190].
First Reading—County Courts* [191]; Railways and Telegraphs in India* [192].
Second Reading—Customs and Inland Revenue [150]; Great Seal [180]; Indian Marine [182], *debate adjourned*; Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster,) Improvement Provisional Orders Confirmation* [175]; Local Government Provisional Order (Cartworth)* [158]; Local Government Provisional Orders (Castleton by Rochdale, &c.)* [160]; Consolidated Fund (No. 3)*.
 Committee—*Report*—Public Health (Scotland) Provisional Order (Bothwell)* [152]; Valuation of Lands and Assessments (Scotland) [144].
Considered as amended—Parliamentary Burghs (Scotland)* [97]; Dispensaries (Ireland)* [66]; Hares (Ireland)* [165].

QUESTIONS.

PERSIA—RETIREMENT OF THE BRITISH MINISTER.—QUESTION.

GENERAL SIR GEORGE BALFOUR asked Mr. Chancellor of the Exchequer, Whether the Minister at the Court of Persia is about to retire; and, if so, whether the Government will, in any new appointment, provide for the duties of that Mission being carried on by an Officer in direct communication with the Viceroy of India, and by an Officer experienced in Asiatic life and action?

THE CHANCELLOR OF THE EXCHEQUER: I understand that the Minister at the Court of Persia has retired, and that his successor has not yet been designated. The late Minister was always in direct communication with the Viceroy of India.

PRISONS (IRELAND) ACT, SEC. 27—THE PRISONS BOARD—MEDICAL OFFICERS.

QUESTION.

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether it is

true that the Irish Prisons Board has, by declaring vacant the office of medical officer in various prisons, virtually dismissed from that office those surgeons of county infirmaries who have up to this filled it and performed its duties hitherto without remuneration, and in many cases for a great number of years; though now for the first time the office is to be made remunerative; whether this is in accordance with either the letter or the spirit of the Prisons Act (Ireland), s. 27; and, in any case, whether he will urge the Prisons Board to reconsider or modify an order which may entail great hardship on a most deserving class of county officials?

MR. J. LOWTHER: Sir, I have always understood that the intention was to re-appoint the former holders of these offices. As, however, I find there is some doubt as to the law, I have referred the matter to the Law Officers for their opinion.

IRELAND—RELIGIOUS DISTURBANCES AT OMEY ISLAND, COUNTY GALWAY.

QUESTIONS.

MOTION FOR ADJOURNMENT.

MR. ERRINGTON: Sir, before the hon. Member for Tyrone (Mr. Macartney) puts the Question which stands in his name on the Paper, I would ask you, Whether it is in accordance with the usage of the House and the public convenience that Questions should be asked bearing closely on matters which are at present the subject of criminal proceedings, at the risk of prejudicing those proceedings?

MR. SPEAKER: There is no positive Order on this matter; but Questions are not usually put in this House on matters which are the subject of criminal proceedings. There may be occasions, however, when such liberty should be given, and I leave it to the discretion of the hon. Member for Tyrone whether he will put the Question.

MR. MACARTNEY: I do not wish to do anything contrary to the Rules of the House. I understood that the criminal proceedings had been concluded. [Major NOLAN: No.] Yes. But my Question does not bear on the facts of the case thus investigated, but is with regard to matters which took place before and since the riots, and in reference to which nobody is accused.

I beg to ask the Chief Secretary for Ireland, Whether it is true, as stated in the "Dublin Daily Express" of April 21st, that on the 15th of April, when thirty-nine persons were summoned before the magistrates at Clifden, in the county of Galway, for riot and unlawful assembly near Omev Island, on the 2nd, 4th, and 23rd of March, the fact was elicited, on cross-examination by Mr. Henderson (the priest's solicitor), that the magistrate had actually asked the same Roman Catholic clergyman who was summoned for riot on March 2nd to assist in preserving peace in the district on April 3rd; whether it is true, as stated in the "Dublin Evening Mail" of April 18th, that during the trial Dean M'Manus and several priests, sitting together below one of the jury benches, repeated in an audible tone the evidence to be taken down by the clerk; whether it is true that, since the discharge of the persons accused of said riots and unlawful assemblies, the Protestant children attending the National Schools in that neighbourhood have been hooted and pelted with stones, and that Miss Walshe, the Irish Church Mission teacher at Errismore, was assaulted on her way home on the evening of the 1st of May by a number of women with their faces covered who were lying in wait for her, who seized her, tore her clothes, and cut her head, leaving her in a fainting condition; and, whether any steps have been or are intended to be taken to prevent Her Majesty's Protestant subjects in that part of Ireland from the persistent persecution to which for some time past they have been and still are exposed?

MR. ERRINGTON: Before that Question is answered, I wish to ask the Chief Secretary for Ireland, with reference to the question of the honourable Member for Tyrone, Whether, in taking steps for the due protection of Her Majesty's Protestant subjects in Connemara "from the persistent persecution to which," as alleged, "they have been and are still exposed," he will consider the justice of also protecting Her Majesty's Catholic subjects in that part of Ireland from the provocation to which they have been long exposed from the proceedings of certain proselytising societies, which wound the religious feelings of the population and tend to produce breaches of the peace?

Mr. Macartney

MR. O'DONNELL: I also have a Question to ask, and it is unnecessary to say that I ask it without any sectarian feeling. I wish to ask the Chief Secretary for Ireland, with reference to the Question of the honourable Member for Tyrone, Whether the Government is aware that the so-called "Irish Church Missions to Roman Catholics" in the West of Ireland are conducted by means of the publishing of placards and the distribution of tracts in which Catholics are invited to become "Christians," and the deepest convictions of a Catholic people are grossly insulted; whether his attention has been called to the conduct of the agents of these Missions, who, it is complained, thrust upon the Catholic peasantry statements that the Sacrifice of the Mass is "a sacrilegious mummerly," the respect paid to Saints "a blasphemous idolatry," confession "a system of vice," and similar provocations; whether it has been brought to his notice that these agents are in the habit of seeking out needy peasant families, and offering victuals and money as the price of conversion; and, whether the Government will cause an investigation to be made, for the purpose of preventing conduct designed to provoke to breaches of the peace, although ostensibly pursued under cover of zeal for religion?

MR. J. LOWTHER: Sir, it is manifestly impossible to deal fully with this subject within the limits of a reply to Questions; but, as far as I have been able to ascertain, the facts of the case are given with substantial accuracy in the Question of my hon. Friend the Member for Tyrone (Mr. Macartney). With reference to the Questions of the other hon. Members, I believe that in some instances placards of a very objectionable character have been made use of by some of the agents of the Church Missions, though I am glad to learn that this practice has been discountenanced by the responsible heads of the movement. Now, as to the course pursued by the Government, I must point out that we have no jurisdiction over what is termed proselytizing, or the distribution of alms. ["What?"] I see I must spell the word alms, and explain that we have nothing to do with gifts of what are alluded to as victuals and money; and, therefore, our duty is simply to put down disturbances by

whatever party they may be created. With this object, a force of 100 constabulary was sent into the district, and will be maintained there at the cost of the inhabitants as long as its presence may be deemed necessary. Legal proceedings were instituted against the leading participators in these discreditable proceedings, and a similar course will be adopted against any persons who may be guilty of any attempt to disturb the public peace in future.

MR. CALLAN: Can the right hon. Gentleman state whether these objectionable placards have in any one single instance been publicly discountenanced by the leader of the Irish Church Mission party; and, if so, when and where?

MR. J. LOWTHER: I have reason to believe that the exhibition of any placard of an irritating character has been discountenanced by those persons who are responsible for the conduct of the Mission.

MR. MITCHELL HENRY: I am sure the House will indulge me for a moment, for I live in the immediate neighbourhood of the place where these occurrences took place. I beg to say to the House, and to the right hon. Gentleman, that to my certain knowledge the zeal of certain persons ostensibly connected with this Society—or, at any rate, sympathizing with it—has led them to undertake the distribution of tracts. [“Order!”] I will conclude with a Motion, Sir, for this is really a very serious matter. The locality in which these events occurred is inhabited by some of the poorest of Her Majesty’s subjects. They are almost every one of them Roman Catholics, and there is carried on in their district a system of distributing tracts of the character mentioned in the Question of my hon. Friend the Member for Longford (Mr. Errington), which tracts, and post-cards as well, are systematically sent to the priests as well as to the people; and when it has happened, as unfortunately occurred on a recent occasion, that there have been disturbances through these poor people finding their religious feelings outraged, they are subjected to all the pains and penalties of the law, as the right hon. Gentleman says they are to be now. They are the poorest—without exception, the very poorest—individuals in Her Majesty’s

Dominions; and they are now called upon to bear the expense of about 120 police, who have been distributed through these wilds. I will take an early opportunity of asking the sense of the House of Commons as to whether it is just or right that these expenses should fall on these unfortunate people. It is the duty of the Executive to keep order in all parts of the country; and it is a new law, which is not carried out in this country, that the expense should be thrown on the people of the district for keeping up the police, who ought always to be maintained there if their protection is needed. I beg, in conclusion, to move the adjournment of the House.

MR. SPEAKER: Does any hon. Member second the Motion?

MR. CALLAN: I will second it. I wish to ask the right hon. Gentleman the Chief Secretary to say specifically if he has any authority for the statement which he has just made; and, if so, what authority? Within the last three months of my residence in Dublin, three placards were put in at my door as I was standing at my library window. They were put in the letter-box. I saw the man do it, and then I saw him go and place a similar three in the letter-box of the late Mr. Butt, and I saw him put three more in at the door of the Loretto Convent. I then collared the vagabond, and inflicted summary chastisement on the spot. I have the placards in my possession; and I would like to know whether the hon. Member for North Warwickshire (Mr. Newdegate), who supports the Irish Church Mission, will disavow and disown these discreditable and disgraceful practices.

Motion made, and Question proposed,
“That this House do now adjourn.”—
(*Mr. Mitchell Henry.*)

MR. NEWDEGATE: I have no information on the subject, except such as has reached me through the Press, or by means of Questions asked and discussions raised in this House. If the hon. Gentleman desires to know what is the impression produced on my mind by this information, I can only say that I think that what has happened will be remembered when hon. Gentlemen opposite again put forward, as I have heard them urge, pleas on the score of religious liberty.

MR. MACARTNEY: The hon. Member for Galway speaks of the propriety of throwing the cost of extra police upon the people in one part of the country. I know that when disturbances take place in the North of Ireland, and extra constabulary are sent down, they are charged to the county, and the Government do not have to pay for them.

MR. MITCHELL HENRY: What I said was, that that does not happen in England.

MAJOR NOLAN: I wish the public to know the facts. I can speak from a knowledge of 20 or 25 years, for I have property in the district, and I know within my own knowledge, having heard many things on the spot, that, from 20 years ago down certainly to within the last four or five years, there has been a constant system of offering children clothes and food, and, in some cases, I believe, money—but I am not sure as to money—on condition of their changing their faith. Well, there are people in London who contribute to the Irish Church Mission, and they should make up their minds as to whether they wish for these disturbances, or consider whether that is a right and proper means of influencing the religious feelings of the people by giving them food and clothing on condition that they change their faith. Of course, these disturbances were extremely wrong; but I believe that those who read the evidence will see that they originated, in the first instance, in the action of a Protestant schoolmaster. I know that that is contested—I do not wish to speak with authority—but there is no doubt whatever of a system of wholesale bribery going on. There has never been the slightest feeling against the Protestants; but there has been, at different times, a strong feeling against this system of proselytizing by means of money or money's worth. What has happened is, of course, very much to be regretted; but, at the same time, the people who subscribe the money for the purpose of converting the children, sometimes the parents, ought to be held in some measure responsible for the disturbances which occur.

MR. SULLIVAN: I would remind hon. Gentlemen that they will find in the Liverpool papers of a year ago letters from English Protestant clergymen who went into these districts, and who had these circulars put into their

hands; and one of these clergymen declared that if he had received one of these placards, outraging his own religious convictions, he could not have restrained his feelings, even if they had led him into violence.

MR. O'DONNELL: The right hon. Gentleman (Mr. J. Lowther) has not answered the Question as to whether any investigation will take place. This is a matter concerning the peace of a very large district, and in which the facts are disputed. I altogether take exception to the manner in which the Government has treated the subject; and I venture to say that if an incendiary Catholic society were to extend its operations to an English Protestant town, and were to hand about tracts and send round agents using the most foul-mouthed language with regard to the Protestant religion and its rites and doctrines, Her Majesty's Government would go a long way beyond merely quartering an extra force of constabulary in the district, and would consider whether the Catholic society had or not been guilty of the offence of provoking breach of the peace. It is all very well to speak of respect for the law, and of the necessity of avoiding outrage; but human nature is human nature in Ireland as in England. In England, conduct on the part of Catholics like that of these most unworthy Protestants in Ireland would have led to riots, and those riots would necessitate the serious attention of Her Majesty's Government. It is impossible to suppose that the Catholics of the West, or of any other part of Ireland, will put up with these continual outrages on their religion; and, though they may commit a legal crime, their natural resentment will receive the warm sympathy of a vast majority of their countrymen—the honest and free-thinking—wherever such outrages may be repeated.

Motion, by leave, *withdrawn*.

POST OFFICE—THE NEW INTERNATIONAL POST CARD.—QUESTIONS.

MR. SULLIVAN asked the Postmaster General, If the new International Post Card issued by his Department, headed "Great Britain," is intended to be available for the United Kingdom of Great Britain and Ireland; and, if so, is there any reason for not correctly printing the fact?

LORD JOHN MANNERS: The new International Post Card is intended to apply to the whole of the United Kingdom. The reason why it was headed "Great Britain" was that, in the Convention agreed to last year in Paris, the United Kingdom is styled Great Britain all through, and not Great Britain and Ireland, and the Post Office has simply followed the designation contained in that document.

MR. SULLIVAN asked, Whether the noble Lord's Department would not call the attention of the Government to the inaccuracy, and ask them when the practice commenced of making the term "Great Britain" cover Great Britain and Ireland in negotiations and Conventions with foreign nations?

LORD JOHN MANNERS: I have not thought it necessary to call the attention of the Government to the matter; but if the hon. and learned Gentleman attaches any importance to it I shall be very glad to do so.

SCOTLAND — RELIGIOUS DISTURBANCES AT DUNDEE.—QUESTION.

MR. O'DONNELL asked the Secretary of State for the Home Department, Whether it is true that recently serious excitement and rioting were caused at Dundee by the appearance on public platforms of a person representing himself to be an ex-priest of the Catholic Church engaged in exposing the misconduct of the Catholic Clergy; whether the person in question was in the habit of mimicking in the most offensive manner the most sacred rites of the Catholic religion, such as the ceremony of the Mass as performed by the officiating priest; whether, after much bad feeling had been excited, it was not discovered that the pretended ex-priest had never belonged to any Catholic Ministry, but was an ex-convict, who some years previously had been found guilty in Canada of a disgraceful offence; and, whether, to prevent such abuse of the rights of religious discussion, some provision would be introduced, as in the Indian Penal Code, against gross and scandalous insults to the religious beliefs entertained by large sections of Her Majesty's subjects?

THE LORD ADVOCATE (MR. WATSON): Sir, I have to inform the hon. Member that I have made inquiry into

this matter, and I regret to state that I found that there did take place in Dundee some disgraceful exhibitions of the nature he describes. The chief actor in them described himself as an ex-priest of the Roman Catholic Church. I am informed that it is doubtful whether he ever held that position; but I have it on the authority of his own admission, and that is the only evidence I possess, that he was recently convicted in Canada of an attempt to commit a disgraceful offence. The law of Scotland, now that we know how the matter stands, is quite sufficient to meet such cases, and I trust to be able to give such instructions as will prevent the repetition of such a scandal.

INDIA—THE FOUR AND A-HALF PER CENT LOAN ALLOTMENT.

QUESTION.

SIR CHARLES MILLS asked the Under Secretary of State for India, If he can give any particulars regarding the allotment of the Four-and-a-half per cent. Loan offered for subscription in India?

MR. E. STANHOPE, in reply, said, that the amount tendered was for 6 crores, 70 lakhs of rupees, while the amount accepted was 4 crores, 5 lakhs, at the average rate of 94½.

ARMY—THE 58TH REGIMENT—FOREIGN SERVICE.—QUESTION.

MR. WHEELHOUSE asked the Secretary of State for War, Whether it be the intention of the Government to send the 58th Regiment, now serving at the Cape, direct to India upon the conclusion of the Zulu War; whether the 58th Regiment has been only five years in England after ten years' service in India; and, whether, after the last return home of that Regiment, it was not despatched on foreign service before its full time in England was completed?

COLONEL STANLEY, in reply, said, it was not the present intention of the Government to send the 58th Regiment to India. That regiment had been 9 years 8 months in India, and 4 years 11 months at home. It had not been sent on foreign service before the proper time, though the exigencies of the Service had curtailed the period of its stay in England.

CUSTOM HOUSE—THE TEA AND EAST INDIA DEPARTMENTS—DEFECTIVE SANITARY ARRANGEMENTS.

QUESTION.

MR. FAWCETT asked the Secretary to the Treasury, Whether it is the case, as stated in the "Sanitary Record" of the 16th May, that a report has been made to the Treasury by the Office of Works on the defective sanitary arrangements of the Tea and East India Department Offices in the Custom House; and, if so, whether the Treasury intend taking any action in the matter?

SIR HENRY SELWIN-IBBETSON, in reply, said, the improvements suggested by a Report made in May, 1878, on the Tea Department at the Custom House had been carried out. After the Estimates for this year had been prepared—in fact, only on the 18th of April—a fresh application was made for improved accommodation in that Department, in which the statement was again made of unhealthiness. As this fresh application appeared to have been made more with a view to providing extra comfort than an improvement in the sanitary condition, and as it was overcrowding rather than unhealthiness that had to be dealt with, the application had been postponed in order to avoid a Supplementary Estimate. He could assure the hon. Member that it would not be lost sight of in the preparation of next year's Estimates.

SOUTH AMERICA—CHILI AND PERU—THE HOSTILITIES.—QUESTION.

MR. A. MILLS asked the Under Secretary of State for Foreign Affairs, Whether any information other than that which has already appeared in the newspapers has reached the Foreign Office respecting the war now going on between Chili and Peru; and, whether any intervention by way of mediation is possible on the part of Her Majesty's Government?

MR. BOURKE: Sir, the information which has been received at the Foreign Office is similar to that which has appeared in the public journals. Her Majesty's Government have tendered to both belligerents their good offices, with the view to a settlement of their disputes.

COURTS OF JUSTICE BUILDING ACT 1865 (AMENDMENT) ACT—INCREASE OF FEES UPON SUITORS.

QUESTION.

MR. HERSHELL asked the Secretary to the Treasury, Whether he will lay upon the Table of the House a statement showing approximately what would be the annual sum to be levied under "The Courts of Justice Building Act, 1865 (Amendment) Act," on the suitors in the next twenty-five years, in the shape of an increase of fees, and what percentage of increase on the present fees would result.

SIR HENRY SELWIN-IBBETSON, in reply, said, that the annual sum to be levied under the Courts of Justice Building Act, 1865, Amendment Act might be approximately stated at some £35,000 a-year, as far as could be seen at present; but he feared it would be impossible as yet to say what percentage of increase on present fees would result, because the Bill now before the House would spread that increase over a much larger area than that on which it would fall under the law as it stood.

METROPOLIS—STATE OF REPAIR OF PUBLIC ROADS.—QUESTION.

SIR EARDLEY WILMOT asked the Chairman of the Metropolitan Board of Works, Whether the streets and roads of the Metropolis are under any general Government supervision; and whether complaints have reached him of the bad condition of many of the Metropolitan roads in consequence of the indifferent materials used in their repair, and especially from the use of the circular pebble and gravel instead of broken stone, and of lumps of much larger size than those of two-inch diameter invariably adopted by Mr. Macadam in his construction of roads.

SIR JAMES M'GAREL-HOGG: Sir, the streets and roads of the Metropolis are not under Government supervision, nor are they under the supervision of the Metropolitan Board of Works. They are under the supervision of the respective Vestries and District Boards of the Metropolis. As regards complaints of indifferent materials, I do not recollect any complaint as to circular pebble and gravel instead of broken stone; but now and then I have had complaints of the

bad state of the roads in the Metropolis, and whenever I have had such complaints I have always taken care that they were forwarded to the Vestries or District Boards responsible for the proper maintenance of the roads. I have also taken care that the representatives of those districts who are on the Metropolitan Board should have notice given them, so that they might see into the matter.

"THE GOVERNMENT AND THE TELEGRAPH COMPANIES" — PURCHASE OF THE UNITED KINGDOM ELECTRIC TELEGRAPH COMPANY — CHARGE OF FRAUD.

QUESTION.

MR. FORTESCUE HARRISON asked Mr. Chancellor of the Exchequer, If his attention has been called to an article headed "The Government and the Telegraph Companies," which appeared in "Capital and Labour" on the 9th instant, in which it is stated that a memorial has been sent to the Lords of the Treasury containing grave charges against certain persons therein named in connection with the acquisition by the Government of the United Kingdom Electric Telegraph Company in 1869, and asserting, amongst other things, that by the award made in that transaction the revenues of the country were defrauded to the extent of over £400,000; and, whether it is true that a memorial of this nature has been received by the Lords of the Treasury; and, if so, whether he will lay a Copy of it upon the Table of the House, together with the reply of the Government thereto?

THE CHANCELLOR OF THE EXCHEQUER: A Memorial has been submitted to the Treasury, asserting that the Government has been defrauded of more than £400,000 in respect of the award for the acquisition of the United Kingdom Electric Telegraph Company, and they have also received a sworn declaration denying the truth of the allegation. A considerable part of the subject-matter of the Memorial does not concern the Government; but I have caused an investigation to be made into that portion which does concern the Government, and there will be no objection to laying on the Table the Report I have received on that part of the subject. I think it would be objectionable to make

Parliament the vehicle for publishing statements that do not concern the Government.

NORTH OF ENGLAND—THE NEW UNIVERSITY—ISSUE OF A CHARTER QUESTION.

MR. COURTNEY asked Mr. Chancellor of the Exchequer, If, in view of the possibility of the advisers of the Crown recommending an exercise of the prerogative in the issue of a charter of a new University in the North of England, he will arrange that an opportunity shall be previously given to this House of expressing an opinion thereon?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he feared he could not make opportunities for the discussion by the House of the scheme for the proposed new University; but the hon. Member would have it in his power, if he thought right, to move an Address to the Crown on the subject.

AFGHANISTAN—THE WAR—BASES OF PEACE.—OBSERVATION.

THE CHANCELLOR OF THE EXCHEQUER: It may be of interest to the House that I should mention that the Government have received a communication from the Viceroy of India, stating that the bases of peace have been arrived at with the Ameer Yakoub Khan.

SOUTH AFRICA—NEGOTIATIONS WITH THE BOERS.—QUESTION.

MR. W. E. FORSTER: I wish to ask the Secretary of State for the Colonies a Question, of which I have not had an opportunity of giving him Notice, but which, if he would prefer it, I shall be content if he will answer to-morrow. On Saturday, there appeared in one of the daily newspapers a document professing to be a despatch from Sir Bartle Frere, in regard to the Memorial of the Boers. I wish to ask the right hon. Gentleman, Whether he can tell the House if such a despatch has been received, and, if so, whether he will lay it on the Table of the House?

SIR MICHAEL HICKS-BEACH: Sir, I have not received any such despatch. On the 24th of April, Sir Bartle Frere telegraphed from Pretoria that Copies of the correspondence between himself and the Boers would be sent by the next mail; but he made no reference

to this despatch, which is dated April 17. Of course, however, it may be authentic; and, if it is so, its publication in South Africa before it reached me might be accounted for by Sir Bartle Frere having shown it to the Boer Committee, to ascertain whether they were satisfied with it as a summary of their arguments.

AFGHANISTAN AND ZULULAND—THE WARS—NUMBER OF BRITISH TROOPS.

QUESTION.

MR. WADDY gave Notice that on Thursday he would ask the Secretary of State for War to state the number of British Forces of all arms now engaged in the prosecution of Wars in Afghanistan and Zululand respectively, including in each case the troops actually under orders.

COLONEL STANLEY said, it might save inconvenience, if he said at once that he did not think he could give any information with regard to the troops employed in India. He was not sure that he had the information, or the means of procuring it; but, if he had, of course he would produce it with the rest.

PARLIAMENT—ORDER OF BUSINESS.

QUESTIONS.

THE MARQUESS OF HARTINGTON asked, Whether, in the probable event of the discussion on the Indian Budget lasting more than one night, the Government would take the adjourned debate on the following Monday, or make arrangements for continuing it on Friday?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he must consult with his Colleagues before giving an answer.

LORD EDMOND FITZMAURICE asked the hon. Member for Roscommon, When the second reading of the University Education (Ireland) Bill would be taken?

THE O'CONOR DON said, he had every reason to believe that it would be the first Order of the Day on Wednesday; and, if so, he intended to proceed with it on that day.

DR. CAMERON asked, Whether the second reading of the Banking and Joint Stock Companies Bill would be taken before Whitsuntide?

THE CHANCELLOR OF THE EXCHEQUER said, he could not give an answer to the Question at that moment.

ORDERS OF THE DAY.

SUPPLY—CIVIL SERVICE ESTIMATES.

[Progress.]

SUPPLY—considered in Committee.

(In the Committee.)

CLASS III.—LAW AND JUSTICE.

(1.) £56,706, to complete the sum for Law Charges, agreed to.

(2.) £162,444, to complete the sum for Criminal Prosecutions, Sheriffs' Expenses, &c.

LORD FREDERICK CAVENDISH said, it would be well if the Government would inform the Committee what steps were being taken to carry into effect the recommendations of the Committee which had inquired into this subject. Economy ought to be effected in this matter; and when the present Government came into Office they had an opportunity of effecting economy in the Administrative Department of the Courts of Justice. It would be in the recollection of the Committee that, as long back as 1873, a Committee of the House was appointed to inquire into the Civil Service Expenditure. The Committee examined into the various Legal Departments in the country, the administration of which cost £1,750,000. After reviewing the evidence they had received, the Committee considered that all the Legal Establishments were unduly expensive; and they reported that, not only were there ample fields for economy, but also great need for improvement in the administrative arrangements; in fact, in their opinion, great service would be rendered to the public by a reorganization of the Administrative Department. Two years after that Report, he had the honour to bring this subject before the House, and he was assured by the Secretary to the Treasury that it was engaging the attention of the Treasury. On looking at this Estimate, it was impossible to observe that any results had ensued from the attention which the Secretary to the Treasury then promised to give to the matter. He hoped that, after this long interval, the Government would do all in their power to put into effect the recommendations of the Committee. At the present time, economy was so very requisite, and it would be

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well that this opportunity should not be lost.

SIR HENRY SELWIN-IBBETSON said, that what he promised last year had not been lost sight of. On the discussion of this Estimate last year the noble Lord called attention to the facts he had now re-stated; and in answer he (Sir Henry Selwin-Ibbetson) could only say that a Departmental Committee had been appointed, and were about to investigate the matter at once. He was happy to say that the Departmental Committee had reported, and the Lord Chancellor had prepared a Bill on the strength of the Report of that Committee, in which he proposed to deal with the whole of the recommendations made for the re-organization of the Offices under this particular head. He trusted that that Bill would shortly be introduced, and that, in the interest of economy, the House would pass it into law.

Vote agreed to.

(3.) £147,768, to complete the sum for the Chancery Division of the High Court of Justice, *agreed to.*

(4.) £52,809, to complete the sum for the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice, *agreed to.*

(5.) £78,228, to complete the sum for the Probate, &c. Registries of the High Court of Justice, *agreed to.*

(6.) £9,375, to complete the sum for the Admiralty Registry of the High Court of Justice, *agreed to.*

(7.) £10,110, to complete the sum for the Wreck Commission, *agreed to.*

(8.) £31,542, to complete the sum for the London Bankruptcy Court, *agreed to.*

(9.) £366,679, to complete the sum for County Courts.

MR. WHITWELL said, that the Lords had before them a Bill dealing with the administration of justice through the means of the County Courts, brought in, he believed, at the instance of the Lord Chancellor. That Bill had not yet come down to this House. He begged to ask the hon. and learned Gentleman the Attorney General whether there was a probability of that Bill, which would, or, at least, ought, to materially affect this Vote, coming down to this House with any chance of it being passed this Session?

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that the Bill to which the hon. Gentleman referred had come down to this House, and would be introduced almost immediately. It was a question of some little difficulty whether the Bill had any chance of passing this Session. If it were not opposed, no doubt it would be passed; but if it were opposed, he feared its chances of passing this Session would not be very great. He hoped the Bill would receive a considerable amount of approbation; and, that being so, they would pass it this Session.

MR. WHITWELL was glad to see that his hon. and learned Friend was hopeful in respect to the Bill. The Bill, which had been introduced from time to time in this House by his hon. Friend (Mr. Norwood), had not had the opportunity of being passed; and, of course, he was quietly and honourably waiting until he could put his Bill into competition with that passed in the other House. He feared, therefore, that the Government measure would not make much progress until the Bills were referred to a Select Committee. It was a singular fact that in this year's Estimate there appeared a large increase in the expenses for conveyance of persons committed. Was that owing to the expenditure incurred under the administration of the new Prisons Act, or why should a very large increase take place in this respect? If the Estimate were correct, the increase in the expenses for conveyance of persons committed by the County Courts was £2,510. If an increase appeared in the number of persons committed, it would be a fact to be regretted.

SIR HENRY SELWIN-IBBETSON thought that an explanation would be found in the increase of the County Court business. They found that a greater number of cases were dealt with by the County Courts; and, therefore, they saw a proportionate increase in the expenses. Every year showed a steady increase in the amount of work done by the County Courts.

Vote agreed to.

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £4,518, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Office of Land Registry."

SIR WILLIAM HARCOURT said, his impression was that the Land Registration Department practically did no work at all; it was, in fact, one of those unfortunate failures of Law Reform. He believed that the cause of the failure was that land registration was a kind of permissive legislation; but he did not intend to go into that argument. He believed that land registration would not be successful until they made it compulsory; but, of course, they knew there were influences at work to resist a policy of that kind. But they must deal with the matter as it was; and they had got, in point of fact, a large staff to do practically little or no work at all. Unless he heard to the contrary from his hon. and learned Friend the Attorney General, he must incline to the impression that there was not more work than one Registrar could do. They had a Registrar receiving £2,500 a-year; and it was really absurd, in the existing state of the Court, to have an Assistant Registrar at £1,500. This was a matter in which a piece of practical economy might be effected; and, really, considering the quantity of work done, it was simply ludicrous to have an Assistant Registrar and three clerks. He had no desire to disturb the distinguished gentleman who held the office of Registrar; but to maintain so large a staff to do so small an amount of work was simply a waste of public money. One Registrar, at a very small salary, and without a single clerk, ought to do all the work required of him. He hoped they might hear from the Government that there would be some endeavour to effect economy in this instance, unless there was some chance that this Office would have more work to do.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, this question was before the House last Session, and there was considerable discussion in respect to land registration. His hon. and learned Friend the Member for Denbighshire (Mr. Osborne Morgan) moved for a Committee to inquire into the subject, and the hon. and learned Gentleman imagined that he had hit upon a scheme for obviating all difficulty, and for making land registration a very useful institution. The hon. and learned Gentleman nominated the Committee. It was one of great importance, being composed of Gentlemen of great expe-

rience, and they had considered and investigated the question from that time to the present. The Report of the Committee had not been presented; but he believed that it would be in a short time. He should be glad if the Committee had hit on any mode of making the registration of land effective. He knew they had examined witnesses from Ireland and Scotland, where it was said that an excellent system of land registration prevailed; and it might be found, when the Report of the Committee was published, that some scheme was devised for making the registration of land effective—that was to say, that some scheme could be adopted, under which the persons who were owners of land could be induced to place their titles upon the register; and if persons were so induced, no doubt the present staff in the Land Registration Office—indeed, a very considerably increased staff—would be required. His own opinion was that it would be very difficult to make any scheme for the registration of land absolutely effectual, and to cause it to be brought into anything like universal use, unless they made registration compulsory. But he, for one, was not at all prepared to make registration of land compulsory. It was a very difficult question. It might be said, on the one hand, that it would facilitate the transfer of land—perhaps, to some extent, cheapen the transfer of land—yet, on the other hand, it would be a measure which would savour of arbitrariness, because they would compel a man to disclose to the world his title when, perhaps, he might not wish to do so. That, under ordinary circumstances, seemed to be a great hardship upon the owners of property. He might be wrong in the view he took, and it might be by some other way than by making registration of land compulsory that registration of land could be made effectual. It had been suggested that instead of registering the titles for land it would be a wise and expedient thing to provide for the registration of deeds through the country, and he did not think there would be any great difficulty in providing such a scheme. However, without occupying more time, he would say that the whole system was examined by a very competent Committee, and the Report of that Committee would, in a very short time, be before the House, and

then the House would be able to judge whether matters could be so arranged as to make this land registration a more effectual Department than at present. His hon. and learned Friend was somewhat in error in thinking there was no work for the gentlemen in that Office to do. The truth was that, under the Act of 1875, very few registrations had taken place; but under the Act of 1862—Sir Richard Bethell's Act, he believed—a good many titles had been put upon the register. As those titles had to be dealt with, they occasioned a good deal of work, which had to be performed by those in this Office. He held in his hand a Return showing what had been done between the 21st of February, 1878, and the 14th of March, 1879. Under the Act of 1875 only 13 titles had been registered during that period—or rather, he believed, only six applications had been made—at any rate, the value of the property which had been dealt with was altogether only £57,000 odd. That was not much; and he confessed that under that Act very little seemed to have been done. The fact was that the Act was not compulsory, and persons did not resort to it. Under the Act of 1862 there had been placed upon the register—including transfers, changes, and so on—608 titles; and, altogether, the value of the property dealt with was £1,238,000. His belief was that if these Acts worked thoroughly well, and if people did largely resort to registration of their titles, the present staff of the Department, instead of being excessive, would be inadequate. At all events, he would ask the Committee to pass the Vote until they had had an opportunity of considering the Report of the Committee.

GENERAL SIR GEORGE BALFOUR said, several years ago he asked why, considering the small amount of work which was done by this Department, the Government did not take care to require that the officers of it should be required to perform other duties for which they were qualified? He considered the hon. and learned Attorney General had utterly failed with the whole case. The hon. and learned Gentleman had pointed out that, under the Act of 1875, they had dealt with property of the value of £57,000, and, under the Act of 1862, property of the value of £1,238,000. Of course, that was no more than £60,000

a-year, and the hon. and learned Gentleman, having admitted that the £57,000 was a very small amount of property to have been dealt with, he must admit that this £60,000 a-year was not much more. The point which he wished to ask the Treasury was whether these officers were not to be more usefully employed than they were now? He asked that the Government should look after the expenditure, and should see whether gentlemen drawing salaries might not be employed in taking up some part of the legal business in other Departments. He blamed the previous Government, just as much as the present Government, in the matter, and hoped to see more care exercised in future as to the employment of these gentlemen.

SIR WALTER B. BARTTELOT said, he thought his hon. and learned Friend (Sir William Harcourt) had done good service in bringing the question before the Committee. He listened attentively to the hon. and learned Attorney General, and he was bound to say it appeared to him that there was very little doing in this Department. He thought the House ought to have some better guarantee than they had at present of the work done in these Offices. It seemed to him that the lawyers were the only people whose business was not thoroughly scrutinized, and the money which was annually voted simply for the benefit of the Legal Profession. They were the only people who got any good out of the House. He thought the House ought to be particularly careful and cautious in seeing that they did not create any more of these new Offices, or else that they should be sure to attach to them some real work to be done. It might be urged that more work might come into this particular Office in the future; but the attention of the Government had been directed to this Office on previous occasions, and he hoped they would make some serious alterations in it next year, or else that the Committee would reduce the Vote. The House did not intend that these things should be perpetuated. There were other things besides this Department which were waiting for criticism; but, as to this particular Office, he ventured to think that, unless more work was done next year, some great reduction ought to be made.

MR. RYLANDS said, he thought the Committee were very much indebted to the hon. and learned Member who had brought the subject under the notice of the Committee, and who did it in a manner which showed he had devoted to it considerable attention. He was bound to say the hon. and learned Attorney General had entirely failed in justifying the expenditure which the Committee were now considering. The hon. and learned Gentleman told them, with perfect accuracy, what amount of business had been transacted, and he knew perfectly well that was not sufficient to employ anything like the staff for which salaries were charged. But the hon. and learned Gentleman told them that if certain things occurred possibly there might be more business in this Office; but he did not expect those things to occur. He said if registration were compulsory there would be more. No doubt, there would be; but this was not a question of compulsory registration; and he might remind the Committee this was a question which had gone on year after year. He thought the only way of dealing with these matters was to divide the Committee—that they should mark their sense of the extravagance of this Vote by proposing to reduce it. Of course, he was not going to move to reduce it to what he thought it might safely be brought down to, or he should move a reduction of £3,000 or £4,000, but he proposed to reduce it by £1,000; and he assured the Committee that if they would give him a majority in favour of reducing the Vote by £1,000, they would do more by that majority than by any amount of discussion. He agreed with the hon. and gallant Gentleman (Sir Walter B. Barttelot), that these legal charges seemed to be those over which the House had the least control, and in thinking there were other cases quite as bad as this. He took blame to himself for having inadvertently omitted to take notice of an item just now which was covered up by other Votes, and was passed in No. 3. Legal officers were appointed who drew large salaries, and did no work for them; and if it happened that no notice was taken by a Member of the House the Vote was passed, although the matter might be one requiring the most careful attention. Something was said last year about certain legal officers, and he thought something

ought to be done with them by the Government. He alluded to the Official Referees, and he would call the attention of the hon. and learned Attorney General to the discussion which took place last year on that subject. With regard to the Vote now before the Committee, he moved to reduce it by £1,000, and he trusted the Committee would support him, as an indication to the Government that they called upon them to make some substantial alteration.

Motion made, and Question proposed,

"That a sum, not exceeding £3,518, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Office of Land Registry."—*(Mr. Rylands.)*

SIR HENRY SELWIN-IBBETSON hoped the Committee on this occasion—whatever they might do in the future—would not agree to the reduction of the Vote. He could not help thinking the House was very much to blame when it passed Acts of Parliament necessitating expenses of this kind; although it was quite true that after the Acts were passed the expenses should be brought as low as possible. However, as to the Vote now before the Committee, they had been told by his hon. and learned Friend the Attorney General that a Report was forthcoming from the Select Committee. He thought it would be hardly courteous to that Committee if the House were to do that which might be directly opposed to its recommendations. It was possible the Select Committee might suggest a mode of throwing more work into the hands of those officers; but he deprecated a reduction of their salaries as long as they were allowed to remain as the administrative staff. He quite admitted that the expenses ought to be considered, and the Government had shown they had considered the question by the appointment of a Committee. Certainly, if that Report was in the sense of what they thought at present, some alteration in the Vote must take place another year.

MR. WHITWELL said, the House had already experience of the result of attempting to improve this Office. A Bill was brought in by the Lord Chancellor some years ago and passed, and then they were pressed to continue this Vote because of the probability that

there would be an increase in the work of the Office under that Act. That Act certainly had produced some increase; but how much? Virtually nothing. For the last 15 years they had been registering estates to the amount of £60,000 a-year, an amount which would only represent a comparatively few estates, and for that they had been paying in expenses for this Office £5,000 a-year, or at the rate of nearly 10 per cent on the full value of the estate registered. When this Office was established they were told that its expenses would be met by the fees from owners who went to it in order to validate their titles. In the face of that assertion, let the Committee notice that the amount of estimated extra receipts for 1878-9 was £6, and for 1879-80 it was the same amount, while the whole amount of registration fees was £793. An Office, in fact, which cost the country £5,400, was yielding something like £800, and the balance repaid what the country contributed for the benefit of those who availed themselves of the use of this Office. He did not think they should wait for the chance that a Report of a Committee now sitting upstairs might increase the work of this Office. No one could have said more for the continuance of the Office than the hon. and learned Attorney General; but he was sure the hon. and learned Gentleman must feel—as everyone who had listened to the debate must also feel—that the Office had not done the work which was expected of it; that the House made a mistake when it established it, and that this expenditure ought really to be stopped.

MR. GREGORY thought the hon. and gallant Baronet (Sir Walter B. Barttelot) had been a little unfair in his remarks about lawyers, and he claimed to speak in this matter on public grounds. It was not for him to anticipate the result of the Report of the Committee now sitting upstairs; but he thought it would be to throw a good deal more work upon this Office. If his clients were compelled to register their deeds, he certainly should advise them to register their possessory titles also, for one would be but very little more expense than the other, and would give owners all the advantages of a possessory title. For that reason, he believed that an increase in the registry of deeds would increase

the registry of titles also. In his opinion, the House itself was largely responsible for the failure of this Office. When the Land Transfer Bill was in Committee, he and his hon. and learned the Member for Coventry (Sir Henry Jackson) raised a discussion about the operation of it; and if the proposition they then made had been carried out, he felt certain that it would have largely increased the usefulness of this Office. They suggested that, after a certain number of years, a person might take his title off the register and get, at the same time, a declaration of title. He was certain that many persons had been prevented from registering their titles by the apprehension that if they wanted subsequently to cut up their properties the registration would be a great source of expense. With reference to the expense of this Office, another course might be adopted. They had in Middlesex a registry of deeds, while this Office merely registered titles, and he did not see why these two Offices should not be amalgamated. He must add, also, that the fact that this Office had not had any work to do was not the fault of the officials, according to his experience, for, whenever he went there, he was received with the greatest politeness and courtesy.

MR. CHILDERS desired that the Committee should thoroughly understand the question before it—namely, whether a body of gentlemen who had had for 10 years next to nothing to do should be continued without reduction in numbers. The hon. and learned Attorney General had practically admitted that these gentlemen had very little to do; but, on the other hand, they were told that a Committee which was about to report would probably make some recommendations which would give them something to do. He must say, in reference to that, that their practice in that House had not been to find work for public officers to do, but first to ascertain the work which required to be done, and then to see that officers were appointed to do it. The other system was putting the cart before the horse. The hon. Gentleman who had just spoken had given the officials of this department great credit for their affability and courtesy to him. But there was no wonder at that. The officials must have been delighted to see him, for he was one of

those rare visitors at their office, a professional gentleman with something for them to do. It had been suggested that this Office should be merged in the Office for the Registration of Deeds in Middlesex; but he would remind the Committee that of all offices this was about the least satisfactory. The Registrarships were unqualified sinecures. In 1867, a Committee was appointed by Viscount Cranbrook to inquire into the working of that Office; but for 12 years nothing had been done to remedy its abuses. He had not heard anything to justify the expenditure on the present Office, which could be reduced without the faintest risk of mischief.

MR. LOWTHIAN BELL seconded the Amendment. The formation of the Office seemed to have been a mistake; and, if so, as it was costing the country a great deal of money, it ought to be discontinued.

SIR WILLIAM HARCOURT did not think the arguments of the hon. Gentlemen opposite had at all touched the question at issue. They were asked to give the Office a fair trial, and they were told that the Select Committee would recommend some change. But then the hon. and learned Attorney General had told them himself that he was opposed to compulsory registration, so that work would not be found for the Office in that way. Then, again, an hon. Gentleman opposite had recommended the amalgamation of the Registry of Deeds with the Registry of Titles. But for a Registry of Deeds they did not require a Registrar at £2,500 a-year, and an Assistant Registrar at £1,500. For registration of titles a lawyer was necessary to examine the titles; but any clerk could undertake the management of an office for the registration of deeds. They were asked to give the Act a little longer trial; but he did not see why the money of the country should be spent on the hypothetical chance that some day this Office might be wanted. He would divide with the hon. Member for Burnley.

THE ATTORNEY GENERAL (SIR JOHN HOLKER) replied, that the hon. and learned Gentleman the Member for Oxford was not completely exact in what he had said. He had not reported that this Office was really overwhelmed with work; but, at the same time, the Office did do a greater amount of work

than some hon. Members seemed to suppose. During the period for which the last Return was made, property was dealt with of the value of over £1,283,000. According to his own view, the registration of titles could be of no use unless that registration were made compulsory, which, under our present system, was impracticable; but, on the other hand, many of his hon. Friends took a more hopeful view of the matter, and had suggested alterations which they thought would make this Office more efficient, and would bring in a great deal more work than it had at present. If the registration of deeds, which at present existed in Middlesex, were extended to the rest of the Kingdom, undoubtedly a great deal more work would be thrown on this Office. It was proposed by his hon. Friend the Member for Burnley (Mr. Rylands) to lop the salaries of these clerks by £1,000 a-year, which, practically, meant that the officials should be made to suffer for the sins and omissions of Parliament. It would be a wise thing, and a politic thing, to see how the Act worked after the new changes, and then, if it failed, let them propose to repeal the Act; but do not let them visit the defects and failures of the system upon the officers, who were not responsible for these faults, and who had done their best to carry out the Act.

MR. LOWE said, last year a Committee was appointed to inquire into this subject, and during last Session and the present one it had taken a great deal of evidence. It had now closed that work; and, as he understood from the hon. Gentleman opposite (Sir Henry Selwin-Ibbetson), they were now engaged in considering their Report—if, indeed, they had not actually agreed upon it. He did not say what the Report of that Committee would be; but, under such circumstances, as a Member of that Committee, he must decline to enter into the merits of the question now at issue.

MR. RAMSAY had so much desire to see an effective system of land registration established in England that he should have very great hesitation in giving any vote which would do away with the system now in existence. But the statement now made showed that the system was wholly inoperative. Therefore, unless some assurance were given

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them that, after 16 years' experience of the present system of land registry, there would be some attempt at a change and at an improvement, he should certainly vote for the rejection of the entire Vote. At present, there was simply a waste of money in this way to the extent of £5,400 a-year.

SIR HENRY SELWIN-IBBETSON said, they were told that now that the Government had had their attention drawn to this matter it was their bounden duty to see that something was done. He would suggest that the proper time to consider that matter would be when the Committee, of which the right hon. Gentleman the Member for the University of London (Mr. Lowe) had spoken, had sent in their Report. Then the House would be able to see what changes they recommended, and what alterations it was necessary to make. It certainly would not be fair for the Government to take the matter in hand before that time; nor did he think it would be fair either to turn round on these gentlemen and deprive them of their salaries because some hon. Members were of opinion that they had not sufficient to do.

MR. MORGAN LLOYD reminded the hon. Gentleman that the issue left to the Committee was simply the Motion to reduce these salaries by £1,000; and the justification for that step was the fact that though all these gentlemen enjoyed large salaries they had, practically, nothing to do. It was not proposed to deprive them of their salaries, which would be most unfair, but only to lessen them by about 20 per cent. He opposed this Vote, for the reason that he opposed the Acts which constituted the Office. Even after their experience of the working of the first Registration Act, and of its failure, the Government secured the passing of a second Act, although he and other Members warned the House at that time that such an Act would be a failure, and that nothing could succeed but compulsory registration. He said at the time that this system would be merely an addition to the cost of transfer, and that they could not expect it to be generally adopted so long as it was permissive. It was far better to leave the system of conveyancing unaltered, unless the House was prepared to pass an Act providing for a compulsory registration of title. For these reasons,

he should give his support to the Amendment.

SIR HENRY HOLLAND was quite aware that the Office, as now constituted, had not sufficient work, and on that point he was entirely at one with the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt), and his hon. and gallant Friend (Sir Walter B. Barttelot). For all that, he trusted the Committee would not allow itself to be carried away by the youthful impetuosity of the hon. Member for Burnley (Mr. Rylands). They must deal fairly with gentlemen who had given up the practice of their Profession and had taken important duties under the Act of Parliament. Although the Act had turned out ill, still they ought to give these gentlemen fair notice. They now heard that alterations were proposed which would give these gentlemen more work to do; and if those fell through, he certainly should be prepared to reduce the Vote in the next year. He certainly would do so himself in the next year, and he thought others would support him. But it did seem to him unfair to strike a sudden blow at these gentlemen, who had done all in their power to make the Act a success, and who certainly were not to blame if it had failed.

MR. THOMSON HANKEY could not understand such an argument at all. They were asked to pass the Vote now, and were told that if that were done this year it would be a warning for the future. But that was what they were always told, and was a principle which would prevent the House from ever rejecting any Vote that was ever proposed. Of course, the rejection of the Vote might inflict some hardship on the individual; but it was the duty of the Government to redress that, and to see that no injury was done. He must protest against the view that, in common justice, they could not propose these reductions without doing some injustice to individuals. How, if that view were accepted, was the House ever to effect a reduction in the Votes? If they thought that the Office was not working satisfactorily, it was their duty as Members to vote against this Vote, and it was the duty of the Government to see how they could best provide for these gentlemen, who, if they were no longer employed in that Office, certainly might be em-

ployed in some other way. He remembered the discussion when this Office was first formed. They were then told that the Office was to be self-supporting, and that so much business would come in that the fees would pay all the expenses. But they found that that was not so; and the hon. and learned Attorney General made the matter still more melancholy by declaring that it never could be so. He declared that the Office could never pay unless registration of titles were made compulsory, and he then showed that compulsory registration of titles was impossible. If that were really the opinion of the Government, then the sooner this Office were abolished the better.

SIR GEORGE BOWYER was of opinion that it would be very unjust to abolish these salaries at present. The gentlemen who received them held their posts under the authority of two Acts of Parliament. The Registrar and Assistant Registrar were both men of large practice. They were taken from them, and put into these Offices, the duties of which they thoroughly and efficiently performed. How, then, could they possibly deal in this way with them? No doubt the system of registration of titles was a failure. He said, when the first Act was proposed to the House, that it would fail; while, as to the second Act, which was proposed in order to give the Office something to do, he stated in the House that no such result could be hoped for from it. What he had said had turned out to be true, and it was what he had always expected, because no system of registration of titles ever could succeed. He was a Member of the Committee to which reference had been made, and he believed that its Report would shortly be ready. He believed the Committee would recommend, instead of a registration of title, a registration of deeds. In face of such a proposal, it would be a very rash thing to abolish this Office just at the very time when a change was to be proposed in the law, which would give it work to do.

SIR WILLIAM HARCOURT wished to know whether the Government intended to endorse the pledge of the hon. Member for Midhurst (Sir Henry Holland), that this Vote should not appear again in the Estimates in its present form, unless some change were made in the arrangements?

SIR HENRY HOLLAND said, he did not pretend to give any pledge on behalf of the Government or the Party. He merely said that unless some change were made he should not himself support the Vote.

SIR WILLIAM HARCOURT had misunderstood the hon. Baronet. But he wanted to know what the House was sitting in Committee at all for, if salaries could not be altered? The duty of the Committee of Supply would be a farce if this argument were to apply. The argument was contrary to every principle upon which the Committee of Supply was founded; and he was surprised to hear his hon. Friend (Sir Henry Selwin-Ibbetson) endorsing it. The country had provided a regular system for dealing with cases where Offices were abolished by means of the Superannuation Acts; and, therefore, they might vote on this question without inflicting any hardship whatever on the gentlemen composing the Office. The reduction proposed, too, was not nearly so great as would take place if the officers were abolished.

Question put.

The Committee divided:—Ayes 88; Noes 140: Majority 52.—(Div. List, No. 102.)

Original Question put, and *agreed to*.

(11.) £18,690, Revising Barristers, England, *agreed to*.

(12.) Motion made, and Question proposed,

"That a sum, not exceeding £11,673, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Police Courts of London and Sheerness."

MR. CHAMBERLAIN said, this was one of those expenses which the whole country was called upon to bear, but which properly should be defrayed by the Metropolis. He had moved on a previous occasion to reduce another Vote as regarded the charge for the police at the Patent Office; but he did not press that matter because, after the discussion, he thought there was some reason to believe that that charge really was one for national purposes. On the other hand, it could not, in his opinion, be maintained that the Metropolitan Police Courts,

with the exception, perhaps, of Sheerness and Chatham, were really maintained for national objects. No doubt, at those two last-named places, a good deal of police business did arise out of the national Dockyards there; and, so far as they were concerned, he would not trouble the House with any observations. As regarded the others, he would remind the House that in the country they had to pay for their own police courts, and, practically, to bear the whole cost of the summary administration of justice. But the Metropolis obtained from the national funds not merely funds for the maintenance of its police courts, but the money with which to build them. Only last Session, they had a Bill before them to provide money for the erection of a police court at Bow Street out of the national Revenue. Out of the national funds, also, they were paying for the new Courts of Justice, which, to a considerable extent, were the Assize Courts of the Metropolis; while, if Leeds, Liverpool, or Manchester wanted new Assize Courts, the people of the locality had to bear the cost of them. In this Vote, £14,163 was asked for; but there was a charge made elsewhere of £5,403 for superannuation allowances, which brought the total cost of the Metropolitan Police Courts up to £19,166. Against that, he was aware it was said that they should set the amount received for fees at the various police courts. The amount estimated from this source in 1879 was £19,700, so that the fees would appear to pay all the costs of the courts. The Committee must, however, bear in mind that a portion of the payments for the police courts, and the whole of the salaries of the magistrates, amounting in all to £35,500, were taken from the Consolidated Fund. It had been said that some of the business transacted at these police courts was of national importance and necessity, and he was quite prepared to admit that that might be the case in some exceptional cases. For that reason, certain amounts might be fairly asked for from the national funds; but it was not fair to charge the country, and especially the Provinces, with the whole of these payments. Unless some explanation were given, convincing him that he was in the wrong, he certainly should carry this to a Division, and he should move the reduction of the Vote by £10,000.

He should not feel so strongly on this subject, if this were the only case; but the present was only one of a series of Votes, in the nature of eleemosynary contributions to London and its outlying districts, made at the expense of the local authorities in the country. The Government, and its supporters in that House, were always ready to taunt the Provinces with their lavish expenditure for local purposes, forgetting that by their Bills they had compelled them to undertake these works, and had then heaped upon them, in addition, these payments for works in the Metropolis, which ought, according to all principles of taxation, to be borne by London alone. He had always been an advocate for a re-distribution of seats, in accordance with population; but when he thought of what 20 Members had been able to do for London, he shuddered to think of what might be done by four times that number, and he supposed that would be the proportion to which London really was entitled. Not only had they secured for the Metropolis, at the cost of the nation, the great central Parks, which were part of the ornament of the capital, but they had also made the nation pay for the outlying Parks, like Battersea. Museums, Picture Galleries, and Free Libraries, which, in the country, would be paid out of the local rates, in London were erected at the cost of the Consolidated Fund. The time had come when something like a determined stand should be made, on the part of the Provinces, against this charge of local Metropolitan expenses on the Imperial Revenue, and he should, therefore, take a Division on the matter.

Motion made, and Question proposed,

"That a sum, not exceeding £1,763, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Police Courts of London and Sheerness."—(*Mr. Chamberlain.*)

Mr. HIBBERT thoroughly agreed with his hon. Friend. The time had certainly come for considering the propriety of paying for these local purposes out of the Imperial funds. Now that the question of giving certain amounts from the national purse towards the alleviation of local burdens had been considered, they ought to do something more, by taking part of this Vote from off the Imperial Exchequer and throw-

ing it on the Metropolis. In the country they had to pay for their police courts out of their local rates; and if they wished for a stipendiary magistrate, he was only appointed on condition that his salary was paid by the locality over which he presided. In the Metropolis it was very different. There they had £34,000 charged on the Consolidated Fund for the salaries of the magistrates; they had all the salaries and expenses connected with the courts paid out of the Imperial purse; and, in addition to all that, the country had also to pay for building the different police courts. He did think the time had come when this question ought to be really considered; and although he did not suppose his hon. Friend would be all likely to succeed on a Division, still the time had certainly come when the representatives of the local taxpayers should make a protest against the principle involved in this Vote.

SIR HENRY SELWIN-IBBETSON was not surprised that the hon. Member had brought forward this subject, for it had been raised again and again, and fought over and over again, on that Vote. The question simply was, whether or no the Metropolis was to be considered as an exceptional locality because it was the capital of the country, and whether or no it did not gather within its circuit so much of the life of the country, so much of the habits and customs of all the rest of England, that it was fairly entitled to charge these expenses on the general taxpayer? Certainly, these police courts had been charged on the general Exchequer ever since the year 1839; and he was not sure whether the Vote could not be traced back to 1790, and to the time when Bow Street was sufficient for all the needs of the Metropolis. For a great part of the year many of the people that London contained within its bounds came to it from all parts of the Kingdom; and it was on this ground that these charges had always been treated as national, rather than local. The question had been fought out over and over again; and, for these reasons, it had always been decided that these Votes were a general charge.

Mr. RYLANDS said, if there was anyway of convincing the Provinces that, in addition to their own heavy local burdens, they ought to pay still further to maintain the institutions of the Metro-

polis, the sentiments, almost approaching to poetry, with which the Secretary to the Treasury had defended the Vote, would have certainly done it. But the very circumstances to which the hon. Gentleman had alluded as justifying this charge were just the very circumstances which should seem to point out that, in common justice, the Metropolis ought to bear, to a very large extent, its own charges. It was perfectly true that a number of persons came annually to London from all parts of the Kingdom. But did they not spend a very large amount of money when they were here among the ratepayers? While, no doubt, the police courts were required, to some extent, for the work arising out of this influx of visitors, it was equally true, on the other hand, that the visitors brought with them the means of recouping the inhabitants very largely for that additional expenditure. But there was also another influx going on. A very excellent friend of his, whose son—an hon. Baronet—now occupied a seat in the House, and who, like himself, came from Lancashire, once said that the North was the best place to make money, but that London was the only place to spend it. Now-a-days, a large number of people, who had made large fortunes in the country, came to London to spend them, often living here at the very time that they were deriving large incomes from various parts of the country. All this pointed to the conclusion that the Metropolis was very wealthy, and was yearly drawing to itself a larger amount of wealth, and that it was perfectly unjustifiable that, from year to year, Votes should be proposed, the effect of which was to impose taxation upon the inhabitants of the country at large, in order to relieve London from burdens of a character which other districts bore for themselves. The hon. Gentleman told them that this was an old story. No doubt it was. He himself, in the last Parliament, objected to the Vote in regard to some of these charges for police courts. He was supported on that occasion by his right hon. Friend opposite the President of the Local Government Board (Mr. Selater-Booth), who was at that time a Member of the then Opposition, and he was actually one of the Tellers. On that occasion they ran the then Government very close indeed, and there was some doubt whether there

would not be a tie. Of course, he did not expect his right hon. Friend to carry the enlightened opinions he then expressed to the Treasury Bench. The reason why that agitation produced no fruit was that there had not been sufficient attention drawn to the question in the country. His hon. Friend (Mr. Chamberlain) had spoken of the influence of the Metropolitan Members. But the interests of London were backed up, not merely by those Members, but by a large number of other gentlemen, who, though they represented country constituencies, were London men. As a consequence, the country did suffer when its interests came into collision with those of the Metropolis. It was only necessary, however, to call attention to what he believed to be a gross injustice to force the Metropolis to pay those charges which the country districts already had to bear.

SIR WILLIAM FRASER believed that it would be no use discussing this subject so long as London was governed as at present. Who was to pay this rate, supposing it were made? Would they throw it upon the parishes, and call upon a poverty-stricken district, like Whitechapel, to pay it, or would they add the charge to the general rate of the Metropolitan Board of Works, under which they all at present groaned? So long as the machinery for managing London remained what it was at present, they would have one vestry trying to throw the charge upon another, and each evading the responsibility. Until somebody was responsible for the general management of the Metropolis, the system—if it could be called a system—would remain what it was at present.

MR. M'LAREN was decidedly of opinion that the Provincial towns were used very unfairly in this matter, and that, so far from London paying nothing, it should help to pay the expenses of other towns. If they took the two Houses of Parliament alone, and estimated the expenditure of each Member at £1,000 a-year, that gave an expenditure of £1,000,000 in the Metropolis, brought from the country; and, as everybody knew, this estimate was largely within the mark. He totally disagreed with the assumption that Londoners were burdened by the presence of strangers from the country among them.

On the contrary, he thought the Londoners should give the Provincial towns a *bonus* for the large amount of money they spent in it yearly. It was perfectly absurd to go on in this way. Only within the last few months they had been asked for something like £90,000 for the erection of a new police court. Why should the people of Manchester and Birmingham and Edinburgh pay for that police court? Why did not London pay for it, as other places had to do, when they wanted new courts? This lavish expenditure, at the cost of the country, had no justification whatever.

MR. DILLWYN said, it was quite true that this question had been discussed over and over again, but it had never yet been fought out thoroughly; and he was therefore heartily glad that his hon. Friend had taken the matter in hand. The question had already been discussed on Parks, Police Courts, Libraries, Museums, and Free Libraries. None of them grudged the National Museums, Libraries, and Parks; but he did object to grants for Parks in the suburban districts of London, and he had objected to it, unsuccessfully, year after year. They were now asked to pay for the police magistrates out of the national Exchequer. But, in his own town of Swansea, there was a stipendiary magistrate, who had often to decide very important shipping cases brought in from other places, and yet he was entirely paid by the ratepayers, and they got no help towards his salary from the nation at all. He hoped his hon. Friend would fight this out thoroughly. He probably would not be able to do much this year; but next year he certainly ought to offer a systematic opposition, and challenge every Vote which charged local expenses on the national Exchequer.

GENERAL SIR GEORGE BALFOUR would cordially support this Amendment, and any others of the same kind, as long as grants-in-aid were given. At the present time, £5,000,000 annually were distributed to the various localities, and he did protest against the continuance of those grants. They had been very largely increased since the present Government came into power; and he feared there was a great deal of favouritism in the way in which the money was spent. That could not, indeed, be helped. Any Government would be cer-

tain to favour those parts of the country which gave it the most support. He had suggested, instead, that the Chancellor of the Exchequer should give up to the different localities certain taxes which were exacted solely for legal purposes—like the dog tax, the carriage tax, and the hawkers' and appraisers' licence duty. These taxes were levied solely for police purposes, and the Government might free themselves from all imputations of favouritism and injustice if they made this change. Certainly, otherwise, they could not stop where they were; for, year by year, they would be forced to go on increasing these grants. Since the Government had come into power these grants-in-aid had increased by £3,000,000 sterling; and he did appeal to them to free themselves from the odium which at present attached to these grants by making the change he had suggested. Nothing had done the Government more harm than their increasing Budgets, for the people would not see their explanation, that they put into one pocket what they took out of the other.

MR. HOPWOOD said, that had municipal government been granted to the Metropolis generally, the municipalities would have undertaken all these matters of expenditure in connection with the police courts; but the denial of these institutions, and the delay in setting right that old grievance, made it appear to be necessary to go on contributing out of the national funds all these sums of money for purely local purposes. The Police Force was maintained out of local rates, aided by the Government grant, which the Metropolis shared in common with all other local jurisdictions; and he could not conceive why the money now asked for out of the Consolidated Fund should not be paid in the same way, unless it was that the system was to continue until some competent power and influence in the House of Commons should prevent it.

MR. PARNELL joined the hon. Member for Birmingham in his appeal to the Committee to reduce this Vote by the sum stated. He also pointed out to the Committee that the case had a very much wider application than that which had been brought forward. In Ireland they had to pay out of local rates for the expenses of the police courts, and that out of local sums which were not at all

under the control of the ratepayers, as was the case in Birmingham. Their case was, therefore, so much the worse than that of the people of Birmingham, because they had a considerable amount of control over the expenditure of money raised for the purpose of supporting the police courts; while the people in the Irish towns and localities subject to the Grand Jury laws had no control whatever over the expenditure of money raised for those local purposes. That being the case, he thought that Irish Members might very properly join the hon. Member for Birmingham in his attempt to draw attention to this subject. He wished to know why the Metropolitan cities should get such Votes, over the towns in the United Kingdom? A Vote was taken on the Estimates for Police Courts in Dublin; but none was taken under the head of petty sessional courts throughout the country. It would seem, therefore, that the Government, for some reason of their own, had determined that the police courts in the Metropolitan cities should be helped in this manner by Votes from the Imperial Exchequer, but that the police courts and petty sessional courts throughout the country should not be so assisted. He asked that the Secretary to the Treasury should give a Governmental reason for this, if he was acquainted with it; but, if not, he (Mr. Parnell) suggested that the Vote might very properly be postponed until he discovered that reason. If hon. Members objected to vote money in the dark for purposes entirely inconsistent with the general practice and without any sort of reason in support, it was perfectly useless to say that "the practice had been going on for some time." That might be a good old Civil Service argument; but it had been noticed that the Service had been obliged to abandon, one by one, a great many of their old arguments and practices, and had to seek refuge in more modern tricks. He therefore joined the hon. Member for Birmingham (Mr. Chamberlain) in pressing the Government for some reason why there was this difference and inconsistency between the practice of the Government as regarded the Metropolitan cities and the other localities throughout the country. Perhaps the Chief Secretary for Ireland could enlighten the Committee with regard to his part of

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the business, which entered into the present question in a very marked and important manner.

Question put.

The Committee divided :—Ayes 38 ; Noes 74 : Majority 36.—(Div. List, No. 103.)

Original Question put, and agreed to.

(13.) Motion made, and Question proposed,

"That a sum, not exceeding £352,800, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for contribution towards the Expenses of the Metropolitan Police, and of the Horse Patrol and Thames Police, and for the Salaries of the Commissioner, Assistant Commissioners, and Receiver."

MR. CHAMBERLAIN said, this Vote raised the same question as the previous Vote had raised, although in a different form and not quite in the same degree, inasmuch as the Metropolitan Police Force received from the national funds a contribution larger in proportion than that received by any of the country police courts. He therefore thought it his duty again to raise the question by moving that the Vote be reduced by the sum of £100,000. The Secretary to the Treasury had very truly told the Committee that this matter had been fought out over and over again in the House of Commons ; but he need hardly point out that no impression was ever produced upon the Government until questions had been fought out a great number of times ; and that if opposition to these Votes had not been successful in the past it was because they had not been fought out enough. However, he assured the hon. Gentleman that they would endeavour to avoid this in future. The question was one which would excite a great deal of interest in the country ; and if, up to the present time, that had not been the case, it was because the accounts were so kept, and the debates upon the Estimates so timed, that the country at large did not perceive the extent of the taxation which was really being gathered from them. In his opinion, these Votes should be opposed, not merely because they were unjust to the country districts, but because they were also demoralizing to the people of London ; for which reasons he should raise the question whenever he had the opportunity.

Motion made, and Question proposed.

"That a sum, not exceeding £252,800, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for contribution towards the Expenses of the Metropolitan Police, and of the Horse Patrol and Thames Police, and for the Salaries of the Commissioner, Assistant Commissioners, and Receiver."—(Mr. Chamberlain.)

SIR HENRY SELWIN-IBBETSON quite understood the point of the hon. Member for Birmingham (Mr. Chamberlain) in the last Vote, but could not understand it in this. The present Vote stood in almost the identical position as the Votes for police in the different localities of the country, which were supplemented in aid of those localities by a grant made in each case of half-pay and clothing of the Force, and that, up to last year, was practically the mode in which it was assessed in the Metropolitan. The rates, as the hon. Member was aware, might be called upon up to 9d. in the pound, which was the limit under the Act. Of this amount, 5d. in the pound was raised on the rates of the Metropolitan, and the remainder made up by Government. This change, which took place about 14 months ago, was in lieu of half-pay and clothing ; because, during the three previous years, it had been found that the charge amounted, on an average, to 4d. in the pound. Besides this, the amount of trouble saved in fixing the proportion was so great that his right hon. Friend the Home Secretary agreed to the suggestion of a 4d. rate as a fixed sum, which, on several occasions, was found to be practically below the amount contributed when the old "half-pay and clothing" system was in force. The rate of 4d. was, therefore, substituted in London for the contribution of half-pay and clothing. This matter was purely one of account. The fixed sum had saved an enormous amount of trouble in the Department of the Secretary of State for Home Affairs.

MR. CHAMBERLAIN, not wishing to give any unnecessary trouble, asked leave to withdraw his Amendment, in view of the perfectly satisfactory explanation of the hon. Gentleman the Secretary to the Treasury. He had been under the impression that a larger proportion was given to the police in London than to those in the country districts.

MR. MITCHELL HENRY asked, what proportion of the rate was paid by the Imperial Exchequer for the police in the country districts? As a London ratepayer of 30 years standing, he thought that body were badly treated; and he would like to know why the Treasury had fixed their contribution at more than one-half the amount allowed by the Act?

SIR HENRY SELWIN-IBBETSON hoped to make this plain to hon. Members. As he had before stated, there was an Act under which the Metropolitan Police were organized, and which fixed a 9*d.* rate as the largest amount which could be levied in any one year for the police in the whole Metropolis. When the first subvention was made, it was for one quarter pay and clothing of the Police Force throughout the country, and the localities had exactly the same as the Metropolis. More recently, in 1874-5, the subvention was raised from one-fourth to one-half; and the amount, as he had previously stated, in different years, came at one time to 4*d.* and a fraction, at another to 4½*d.*, and at another to less than 4*d.* But the accounting was so complicated, and the constant checking of these accounts was so great an addition to the labours of the Department, that he had suggested to the right hon. Gentleman the Home Secretary to discard the fractions, and fix the sum of 4*d.* in the pound as the amount of contribution to the Metropolitan Police which, with the 5*d.* to be raised from the rates, completed the amount which could be levied under the Act.

MR. RYLANDS considered the arrangement altogether inconvenient and unsatisfactory. He would take the case of Birmingham, Liverpool, or any other large town. The Corporations of these towns had to lay before the Secretary of State for the Home Department a statement of the number of their police force, and of the actual expenditure upon that force; if the expenditure did not, on any ground whatever, appear satisfactory to the Home Office, if the force were kept down to too low a number, or if there were any other circumstance in the management of the force which, in the opinion of the Home Office was not satisfactory, they would intimate that the subvention would be withdrawn.

6... in the Metropolis there seemed to

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be an extraordinary arrangement in operation. It was, he presumed, under the Act of Parliament that in the Metropolis the amount of rating for police purposes must not exceed 9*d.* in the pound. In accordance, then, with this, the Metropolitan authorities, having power to levy the sum of 9*d.* in the pound, proceeded at once to spend up to it.

SIR HENRY SELWIN-IBBETSON reminded the hon. Member that it was not the Metropolitan authorities who did this. The whole Metropolis was, in this respect, under the management of the Secretary of State for the Home Department, who satisfied himself as to the expenditure on the Police Force and its efficiency.

MR. RYLANDS understood that the Home Office had the control of the Force, and could levy upon the Metropolis a sum, not exceeding 9*d.* in the pound, for its support. Presuming this amount to be sufficient, then, considering that at the present moment the London Police Force was costing a sum equal to 9*d.* in the pound, and that the subvention amounted to only 4*d.* in the pound—it would seem that the London Force was not subventioned by a sum equal to the subvention of half the Expenditure granted to police forces in other parts of the Kingdom. Was that so? If not, he could not understand the case.

SIR HENRY SELWIN-IBBETSON would endeavour to explain. The 9*d.* in the pound was the amount which, under the Act of Parliament, could be levied; but if the Secretary of State for the Home Department found that an increase of the Police Force was necessary, and that the expenditure went beyond this amount, he would come to the House for their sanction to another Act, or would ask to be allowed to increase the rate. Hitherto, this amount had been sufficient; but he could assure the hon. Member that it was only sufficient for the requirements of the Metropolis. The 4*d.* in the pound for the subvention to the Metropolis was, as he had already pointed out, the exact equivalent proportion of the amount given by Government to the different localities, on their representing what had been the expenditure upon their police forces every year.

MR. MITCHELL HENRY contended that this was a great injustice. Instead of the Imperial Treasury contributing 9*d.*, they only contributed 4*d.* in the pound;

from which it was clear that they only supplied one-half of the proper amount.

SIR HENRY SELWIN-IBBETSON pointed out that exactly the same proportion paid in the Metropolis was paid in the different localities. The one-half referred to by the hon. Member was the one-half pay and clothing.

MR. PARNELL was disposed to think that one of the reasons why it had been found necessary to supplement the Metropolitan expenditure for police out of the Imperial Revenue was that a sort of fancy police force was kept up in the Metropolis. It was found that whenever police were wanted for fancy purposes in the country—such as for the Derby—the Metropolitan Police Force, like the band of the Guards, were at once called into requisition and sent down at the expense of the Imperial Exchequer. ["No, no!"] His contention was perfectly true—that a very large proportion of the cost of the police, when the Metropolitan Police were sent to such places as he had referred to, fell upon the Imperial Exchequer. It would be a very useful thing to find out how much per 1,000 of population in each of the cities—say, of London, Birmingham, Edinburgh, Manchester, and Liverpool—it cost to maintain the police force; for he was sure it would be found that the cost of the police force of London, as well as that of Dublin—where a similar city force existed in an intensified form—greatly exceeded per 1,000 of population the cost in the other cities and towns throughout the country. He fancied it would be found that the cost of the police forces paid out of local resources in Birmingham and Manchester was probably not more than one-half, as compared with the population in London and Dublin. Before this Vote came on next year, he thought it would be exceedingly useful if some hon. Member would move for a Return, in a tabulated form, of the cost per unit of the population, for the police in the Cities of London and Dublin.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(14.) £890,148, to complete the sum for Police, Counties and Boroughs (Great Britain).

MR. DODSON wished to have some explanation with regard to this Vote.

The Committee was aware that the grant-in-aid of pay and clothing for the police in counties and boroughs was, in the first year of Office of the present Government, increased from one-quarter to one-half, and that during the few years which had elapsed since that time the amount had very nearly trebled. The grant-in-aid, which in the year previous to their taking Office amounted to £322,000 for all the counties and boroughs of Great Britain, was estimated for the present year at nearly £900,000. And this could be accounted for neither by the increase in the number of men, nor by the number of the forces certificated to be efficient. In the case of the English counties the grant-in-aid, although it was not shown by the present Estimate, had increased by nearly £220,000—that was to say, it was, in 1873, £162,000; while for the year ending September, 1878, according to the Local Taxation Returns, it amounted to £381,000. At the same time, it was obvious that the increase in the number of men during the time named entirely failed to account for the great addition to the expenditure, and to that fact he desired to call the attention of the Government. Again, while the grant-in-aid of the English counties had increased by £220,000, the police rate in those counties had only been diminished by the sum of £50,000; and it was, therefore, clear that the increased aid given to the counties must have had the effect of stimulating expenditure by lessening the burdens on the localities, and making the authorities more indifferent to them. He would remind the Committee and the Government that when it was proposed to increase the grants-in-aid of the police in the counties and boroughs from one-fourth to one-half of the pay and clothing, the Chancellor of the Exchequer had on the 16th of April, 1874, introduced the change as a merely temporary arrangement, saying—

"We intend, therefore, to make proposals with regard to the relief of Local Taxation in the present year. They must be regarded not as absolutely final, but as proposals which we think will meet the present emergency, and will, to a great extent, facilitate what we may have to do hereafter."—[3 *Hansard*, ccxviii. 657.]

This was said after adverting to the proposal to surrender an Imperial tax to local authorities, and observing that it was

worthy of consideration, but too complicated for a new Government to attempt. Again, upon the same subject, he said—

"Having dwelt . . . upon the question of Local Taxation, I have only to say that it is a matter which will continue to engage our attention with reference, not only to the question of burdens, but to the further very important question as to the improvement of administration."

He (Mr. Dodson) presumed that was said in contemplation of County Boards or municipal institutions for the counties. And, further, the Chancellor of the Exchequer went on to say—

"And the possible necessity of altering the present system and of devoting some branch of general Revenue for local purposes."—[*Ibid.*, 661.]

It was, of course, obvious, without expressing any definite opinion as to the merits of the scheme, that it was one which the Government intended to consider; and he thought it would, at all events, have this merit—namely, that the localities would be the managers and controllers of their own funds, and have a direct interest in economy. But under the present system of grants-in-aid the stimulus to economy was distinctly lessened, because they could dip their hands into the pocket of the Treasury and obtain relief in proportion to their expenditure. An attempt had been made last year by the Home Secretary to put some check upon the increase of the Vote; but it would be observed that the Vote went on increasing year by year. He would suggest to the Committee that if the Government were going to continue this system of grants-in-aid in proportion to the expenditure which the localities chose to incur, they should avail themselves of the control which the giving of these grants ought to confer for pressing upon the localities the importance of what he ventured to call "local centralization," in order to get rid, as far as possible, of the very small police forces existing throughout Great Britain. He felt that the Government must be desirous of arriving at that result within just and reasonable limits; and he was willing to admit that, to a certain extent, they had succeeded in carrying out the plan, although much remained to be done. There were in Great Britain, at the present time, between 200 and 300 different armies of police which, in some cases, consisted of only one man, and in others num-

bered up to 500 or 600. It was perfectly obvious that such a number of small forces was attended with many great drawbacks, and he was sure the Home Office must be perfectly aware of them. There was a great disadvantage in these small forces, both in point of efficiency and expense. He was not arguing in favour of a Central Police Force throughout the country, but for getting rid of these small armies, and amalgamating them with their neighbours in the counties or larger boroughs; and he maintained that since the Government had changed the system of grants-in-aid they should use the authority which the giving of such grants allowed them in dealing with the local authorities, to press upon them the advantage and necessity of this kind of amalgamation. He trusted the hon. Gentleman the Secretary to the Treasury, and the Secretary of State for the Home Department, would be able to furnish some satisfactory explanation respecting the increase of this grant.

Mr. WHITWELL could not agree with what had fallen from the right hon. Member for Chester (Mr. Dodson) in his wish to abolish all the police officers of the local boroughs in the country; because he had seen and tabulated, to a great extent, the large increase that had immediately followed the annexation of small and larger boroughs to the system which had been adopted by the Home Office of subsidizing the establishment the moment it came under their power. Among a number of cases he was acquainted with was one where the establishment of the eight men who were quite sufficient to do the work of the place had to be raised to 12 before the Government would give them the grant. He remembered that in the first year after the Chancellor of the Exchequer adopted, under pressure, a system of granting half-contribution or subsidy, both he and the First Lord of the Admiralty, then sitting as Treasury Secretary, promised the Committee most faithfully, in the autumn of that year, to see if something could not be done to prevent such increases.

SIR HENRY SELWIN-IBBETSON, having made himself acquainted in the course of several years with this subject, desired to say a few words with reference to it. He admitted that in the last few years the number of police

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had increased; and it could not be doubted that the expenditure had also increased, in a proportion greater than the increase in the number of men; but this was due to the increased precautions which became necessary, by the people in the country being brought together at centres, necessitating additional men, as well as to the increase in the cost of wages and clothing which had taken place during the last few years. Before the grants-in-aid were increased, there had been rather a tendency to diminish the standing of the forces in different parts of the country; but the system afterwards set up, at his suggestion, gave the Secretary of State for the Home Department control of the numbers of the men, and, by keeping them in check, increased their efficiency. One force gave larger wages than the other forces in the neighbourhood; and it was for the purpose of bringing the different forces into something like harmony that the Secretary of State had adopted the present system. He believed that the system was still working well; but he could not hold out any hope that any great diminution in the force would result. The tendency in some districts was to ask for an increase to the force from the fact that they were becoming large commercial centres. While he was at the Home Office, a number of applications came to him from the Northern districts; and it was stated that it was absolutely necessary, for the maintenance of order in those districts, that the force should be increased. He believed that that increase was still going on. He was sure that his right hon. Friends at the Home Office were keeping the expenditure in check; but if they could once bring about an amalgamation of the small forces with the large ones, a plan supported by the Inspectors, they would produce greater efficiency, and, at the same time, greater economy in the management of the force throughout the country. As pointed out by the right hon. Member for Chester, the difficulty had always been that in small boroughs they preferred to keep their own two or three men, with, perhaps, two or three officers, rather than become parts of a central force, whereby economy in the matter of officers would be enormous. But it was found that these small places preferred to keep their little dignity of

a police force, and in one borough—that of St. Ives—they actually had a force consisting of one policeman.

MR. DODSON observed, that the additional expenditure on the Police Force was ascribed by the Secretary to the Treasury partly to the increased pay of the men and partly to the increase in the cost of clothing. He might remind his hon. Friend that although the grant had increased the cost of clothing had diminished, and, therefore, the increase was not due to that cause. With respect to the rise in wages, that could not be the reason for the additional expenditure; because, if there was an increase in one direction, the decrease in the cost of clothing would counterbalance that. The explanation which had been given did not at all meet the case of the English counties. The grant-in-aid of the English counties, in 1873, was one-fourth of the pay and clothing, and amounted to £162,000. From the local taxation Returns, it appeared that in 1871 the grant was £381,000. Thus the grant had more than doubled. But in that time the increase in the number of men and the increase in wages would not account for the additional expenditure. He should like to know whether it was to be understood, from what had been said, or from the silence of his hon. Friend, that the system of grant-in-aid, which was originally proposed only as a stop-gap, was to be looked upon now as having been adopted permanently? He should like to know whether it was seriously intended to allow the local authorities to continue to control their own expenditure, and to claim a grant in proportion to that expenditure, and whether the notion of the surrender of an Imperial tax was definitely abandoned?

SIR HENRY SELWIN-IBBETSON said, that he could not be expected to go into the whole question of local taxation, nor did he think that that was the proper place to do so. At the same time, he was perfectly willing to state his own individual opinion with regard to local taxation; and he might say that he hoped to see the day when, instead of subventions-in-aid, many matters might be handed over entirely to the local authorities. He did not, however, say that the question of a police force was one that should be handed over to the local authorities, or that it was a matter in

which the control should be given over to the local authorities. It must be remembered that the maintenance of a police force was a matter of national concern; and it should not be forgotten that, besides the local authorities, the whole country was interested in the proper maintenance and efficiency of the police force. If the subventions in aid of the police were to be discontinued, and the control of each division left to its particular locality, in many places, such as he had mentioned, where one single policeman was kept, a very insufficient number of policemen might be maintained, and the proper regulation and efficiency of the force might be very seriously impaired.

MR. RAMSAY thought that the right hon. Gentleman had done good service by drawing attention to this subject. He did not agree in thinking that the consolidation of the police forces of the small boroughs with the counties was desirable, or could be easily attained in England, because of the fact that the small boroughs might object; and even if it could be done, he thought it would be better that each separate rating area should have the control of the expenditure upon the police within its bounds. As respected the amount of this grant, in his opinion it would continue to increase unless some step was taken by the Government to prevent it. His reason for so thinking was the experience of the past few years. These grants were always increasing, and would continue to increase. They had increased by the amount of £17,000 in one year, and his opinion was that Her Majesty's Government should consider the expediency of making an alteration in the present arrangements, though it was possible, with the present Parliament, that that would be a hopeless task. The principle upon which the grants were given to the local authorities might be just; but unless the local authorities had the local control and responsibility, they lost more than they gained by means of the grant. He greatly deprecated the increase of these grants, for he did not see that there was any corresponding advantage to the country. The loss of local administration and control was of greater importance than the sum that the counties and boroughs obtained by way of grant. In

short, it would be better for the State to do away with the grants altogether, than to continue them in the present form. There was no advantage to the ratepayers in receiving a grant-in-aid, when the cost of the police was continually increasing; for it must be remembered that the ratepayers in counties and boroughs were also taxpayers to the Imperial Exchequer, and, by receiving the grant, they had to pay more money, without securing any control by the local authorities in carrying out the expenditure. As he had said, the loss of local administration and control was much greater than the gain. The local expenditure was sure to be greater when the grants-in-aid were received than it would be if the sum required were wholly levied in the localities, and was under their control. It was to this end he wished to make these remarks—to suggest to Her Majesty's Government that they should consider the expediency of revising the policy adopted upon this subject. He thought that great good would be done if the Government would make known its intention that no increase would be allowed on the grants beyond the sum that had been received by the different localities during the past few years. He could see no advantage in going on with this indefinite annual increase, which, he should contend, gave no corresponding advantage to the country.

MR. RYLANDS wished to call attention to the fact that the grant given in aid of the police force in counties and boroughs during the last year was £890,914. During that period £452,000 was granted in aid of the police force of the Metropolis alone. Why London alone should be relieved of its taxation to about one-half of the total grant he could not understand, and it seemed to him to be a matter worthy of attention. It did seem that the grant and the subventions to London were very much in excess of the sum granted to the other parts of the country. Probably that arose from the greater number of the police force, and the greater extent in proportion to the population. He understood that the right hon. Gentleman the Member for Chester (Mr. Dodson) had referred to the gradual increase of the subvention; and he was bound to say that he looked upon this enormous

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increase as being a very serious matter. From his experience in the management of local affairs, he was quite sure that these subventions had a tendency to do away with the desire for economy on the part of the magistrates and the members of town councils; and he thought that it was one of the most unfortunate circumstances that local administrations all over the country should show their willingness, from time to time, to accept from the Government for the time being bribes to relinquish their local administration and their local control. He did not, for one moment, wish to make any charge against the present Government, for his observations applied equally to former ones. He considered it was a most serious mistake on the part of the localities to give up the management of their public business in return for Government subventions. He did not attribute this action to the occupants of the Treasury Bench, or to any of the Gentlemen who were now carrying out this policy in Parliament, so much as to the permanent officials of the public Offices. Hon. Gentlemen would know that the permanent officials of public Departments were always pressing forward every system of centralization which gave the Department greater power over localities. Of course, that power could not be obtained unless they were prepared to give money as a bribe for the relinquishment of local administration. He objected altogether to that system, because he believed it was contrary to the public interest. He had no doubt at all that the system was very much opposed to economy; and he should be very glad to see public opinion out-of-doors brought to bear upon Members of that House in order to put a stop to the system. He was quite aware that the right hon. Gentleman the Secretary of State for the Home Department, in a speech made a short time ago, justified the policy of giving these subventions to the local authorities, by saying that at least, so far as they were a charge upon property, it was only taking money out of one pocket and putting it into the other. He altogether disputed that proposition. In the first place, they took the money out of one pocket—a considerable amount when everything was reckoned—but it was not put into the other pocket, for the local expenditure was not diminished to an equal

extent. But it should be remembered that the incidence of local taxation was very different to that of Imperial taxation. By these subventions in aid of local objects, property, upon which local expenditure was charged, was relieved, and the charge put upon the Exchequer was levied, to a considerable extent, upon the consumers of articles paying duty. Putting the charge upon the Imperial Exchequer was, in fact, levying it upon people of no property to the relief of some of the burdens of property. It did not appear to him that that was taking the money out of one pocket and putting it into another. These grants were being continually made, until the sum total of them swelled up to a very large expenditure, and local control and management was entirely done away with. At the same time, they formed a very considerable burden upon the taxpayers of the country. This was a most dangerous course to pursue upon the part of the Government, for it was increasing the expense of the central authority by increasing the general expense, and by relieving local rates. He thought that the only practical course for the House to pursue was to resist any measures which would increase this system; and he should be glad to see any practical scheme, either in the way which had been suggested, or by any other means, by which this expenditure should be prevented from increasing year by year.

Mr. STEVENSON observed, that the excuse for these grants was that they were to enable the Government to have some control over the efficiency of the police forces in the different parts of the country. The proportion of general aid to local expenditure was first one-third, then one-fourth, and now had increased to one-half. This increase necessarily increased the influence of the Government Inspectors. When the population increased, additional police were put on contrary to the judgment of the local authorities, because the Government had prescribed a certain number of policemen according to the population. That was one objection to the control being taken from the local authorities. A Bill had lately been brought in dealing with loans to local authorities so as to diminish the facilities for borrowing, and to prevent local authorities being led into an extravagant ex-

penditure which they would not otherwise have thought of. The reason alleged for the Public Works Loan Bill was that local taxation required to be checked. If it were desired to check local expenditure, nothing better could be done than abolishing these grants-in-aid. In his opinion, the whole policy on this matter required alteration re-consideration.

SIR HENRY SELWIN-IBBETSON protested against this being taken as an opportunity for entering into a local taxation debate. They were dealing simply with the Vote by which sums were granted in aid of local expenditure, and, in so doing, they were carrying out the decision of that House, not in that Parliament, but come to by a large majority of that House in the previous Parliament. This Vote was simply in pursuance of that decision. Of course, it was quite open to hon. Members to propose to reverse that policy by means of a Motion in that House, but not otherwise. The question of the police in the districts, and the question of local taxation generally, were quite distinct. An hon. Member had insisted that the Home Office had laid down a hard-and-fast line with regard to increasing the police according to the number of the population. So far as his knowledge went, there was no such regulation at all, nor was there any rule of any kind with regard to the number of the police. All that the Inspectors of police had to do was to inspect the force, and to see that it was properly conducted, and sufficient for the maintenance of order. From his own knowledge, he could assert that the localities were allowed to manage their own police, and that the matter was almost entirely left to them. He could give instances where the force was not sufficient for the maintenance of order, and the districts in which that happened were those which maintained their own police force, independent of inspection, and without taking the Government grant. Moreover, those districts were not officered as they ought to be when the necessity for a proper regulation of crime in the country generally was regarded. He had always advocated, and still advocated, an amalgamation of the small police forces; for, however much the maintenance of a very small force might gratify the vanity of particular

districts, they did not conduce to the public good.

GENERAL SIR GEORGE BALFOUR, having paid great attention to this subject, would like to make some observations with regard to it. The expenditure upon the police force had been gradually increasing, and in 14 or 15 years it had risen by no less a sum than £274,000. In 1878-9 the expenditure was £871,000; this year it amounted to £891,000. These figures showed—and he had no hesitation in affirming—that there was absolutely no control over the police force. The figures showed that there was a gradually increasing expenditure throughout the country for the police force. Even in his own economical country—Scotland—the cost of pay and clothing was increasing, although it did not keep pace with the increase in England. He wished to press upon the Secretary of State for the Home Department that, in order to exercise a proper control over the expenditure, it was necessary to pay attention to the details, and look minutely into the numbers and pay of the police. In his opinion, the best plan was to abolish the grant-in-aid, and to give up the tax which was collected in counties. No proper control could be obtained over the expenditure until the whole management of the matter was left in the hands of the different localities.

MR. PARNELL said, that he could not assent to the doctrine of the hon. Baronet the Secretary to the Treasury, that this discussion was improper, when it had not been ruled out of Order. At the beginning of the Session the Government stated, when they took facilities for the discussion of the Estimates, that their chief reason for doing so was to give hon. Members more opportunity of discussing the Estimates. But now the hon. Baronet the Secretary to the Treasury informed them that they ought not to discuss the Estimates, except in such a way as he laid down. He thought that the hon. Gentleman was departing somewhat from his usual humble and kindly role, in assuming such a tone as that. He submitted that nothing in that debate had been out of Order, and since it had been in Order, it was not competent for him to use his high authority and position in trying to check a free debate. There were many questions which ought to be discussed; and now

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the Government had given them greater opportunities for discussion, he pledged himself, when the Irish Estimates were reached, to use those facilities to the fullest extent, whether the Government liked it or not. He hoped that the Secretary to the Treasury would not forget his character of humbleness in talking to them.

SIR HENRY SELWIN-IBBETSON remarked, that he had no desire to prevent any hon. Member from discussing any part of the Estimates, and he was sorry that it should be thought that he had been discourteous in what he had said. All he wished to do was to remind hon. Members that they were not discussing local taxation generally, although the police force was a part of the question. If it were necessary to raise a discussion upon the policy of the Government in carrying out a system affirmed by a majority in the last Parliament, then what he said was that he hardly thought that was the proper time to raise that discussion. He protested against so raising a discussion as to relieving local taxation upon a Vote which affected only a part of the subject. He was very sorry if it should be thought that he had been discourteous, and he might say that he never intended to threaten any Member.

SIR ANDREW LUSK said, that, so far as his experience went, the present system of the police was very useful and very proper. At any rate, all who came into contact with the police force must confess that the present system was a great improvement upon the former one. The police were something like a local army in the country, and were kept up for the benefit of the nation, and he believed that the expense of the police should be contributed to by everyone. For that reason, he should support the present system. In Ireland a constabulary force was kept up by Imperial funds; and that seemed to him to be very proper at present.

MR. RAMSAY wished to explain that he did not feel that the Secretary to the Treasury intended his remarks to apply to the few observations which he had addressed to the Committee. The point at which he aimed was that Her Majesty's Government should insist upon making the amount which was now given in aid of the police the maximum. He would press upon Her Majesty's

Ministers that they would consider the expediency of making the average of the grants that had been given to the several cities, counties, and boroughs during the past four years the maximum amount of the subventions. In that way they would prevent discussions, such as had arisen on the present occasion in consequence of the enormous increase in the grant. It would be an advantage to the community to know that the great annual increase in this direction had stopped.

MR. MUNTZ objected altogether to Imperial grants in aid of local rates. He did not think that a greater mistake could be committed by the Legislature than this system of giving grants for the encouragement of local extravagance. For many years he had wished to see the system abolished; and he thought his hon. Friend (Mr. Ramsay) was quite right in suggesting that the present grant ought to be the maximum. So long as the grant was continued in its present form the local authorities were encouraged in extravagance; and the more money they had the more they endeavoured to spend. He thought that the effect of centralization in increasing taxation was a matter that ought to be considered by the House.

MR. CLARE READ thought that one of the great reasons for the increase in the amount of the Vote of which so many hon. Members had complained was the competition which went on, in so many instances, among the rural authorities, and that blame in the matter could not fairly be attributed to the action of the Government. Wherever there was a wealthy borough in a county the desire appeared to be to provide it with as many constables as possible; and it was to that cause, and the great increase in the rate of wages, that the augmentation of the Vote was, in his opinion, due.

MR. SULLIVAN would remind the Committee that in Ireland Governments seemed somehow or another always to contrive matters so as to create anomalies more absurd than those which existed in any other part of the Empire. In Dublin, for instance, there was a police force which was not managed by the municipality and which yet had to be paid for out of the local rates.

Vote agreed to.

(15.) Motion made, and Question proposed,

"That a sum, not exceeding £359,126, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the superintendence of Convict Establishments, and for the Maintenance of Convicts in Convict Establishments in England and the Colonies."

MR. PARNELL said, he thought the Government ought to consent to the postponement of the Vote until the Report had been laid on the Table of the Royal Commission which had been appointed to inquire into the condition of convict establishments, and which he understood intended to propose certain plans with regard to their future management. Last Session, or rather the Session before, the question of convict establishments had been brought under the notice of the House, and a Commission had been appointed for the purpose of inquiring whether some system of inspection over them would not be advisable, as well as in the case of the borough and county prisons, which were placed on an entirely different footing. The county and borough gaols were originally very much under the direction of the magistrates; and although the Act of 1877 destroyed, to a great extent, the power and functions of the visiting Justices, it still left them a certain amount of authority, and gave them certain facilities for looking after their management. But the convict establishments, which were the outcome of the system of transportation, had been introduced into England when it was found that the Colonies would no longer consent to receive our criminal population. Those establishments were new things; nobody was interested in them. They were not like the borough prisons, which had grown up with the growth of local institutions in England. They were ingrafted on the prison system of the country hastily, with little or no preparation, and with scarcely any safeguards or facilities for local inspection. Hence they were very much shut out from the light of day, and it was almost impossible to investigate any case, of which one might from time to time hear, because every one of the functionaries, from the highest to the lowest, were mixed up in a conspiracy for the purpose of protecting the present system. There was no independent inspection whatever;

and it was because that state of things had been pointed out that the right hon. Gentleman the Secretary of State for the Home Department, in reply to a Motion which had been brought forward, had promised that a Royal Commission should be issued to inquire into the whole question of the management and discipline of those establishments. That Commission had been appointed shortly afterwards, and had prosecuted its labours during the Session of 1878. Those labours, he was given to understand, were almost, if not entirely, concluded, and the Report of the Commission would soon be ready to be produced. He thought, therefore, that, taking into account the long time which had elapsed since there had been any discussion on the question, it would be desirable that the Vote should be postponed until hon. Members had the opportunity afforded them of making themselves acquainted with the nature of that Report. He wished, he might add, to bear his humble testimony to the very great service which had been rendered by the hon. Baronet the Member for Midhurst (Sir Henry Holland) as a Member of the Commission. He had heard from many sources in Ireland that the hon. Baronet had taken the greatest pains in the conduct of the inquiry to investigate the condition of the convict establishments in that country, which were rather worse than the general run of those institutions. He was, therefore, thankful to him for the manner in which he had discharged a difficult and responsible duty. He would conclude by appealing again to the right hon. Gentleman the Secretary of State for the Home Department, who, he believed, fully recognized the importance of the question, to consent to the postponement of the Vote.

MR. ASSHETON CROSS could assure the hon. Gentleman that he had but one object in dealing with the establishments to which his remarks related, and that was that justice should be done, and that no punishment should be inflicted in the prisons of the country except such as was absolutely necessary. The hon. Gentleman might rely upon it that whenever the Report of the Commission was made it would, if it contained any suggestion for the improvement of the management of those establishments, receive the best attention of the Government. He hoped,

however, the hon. Gentleman would not press for the postponement of the Vote, or if he did so that the Committee would not sanction the proposal, for it was necessary that the salaries of the officers should be paid, and the cost of the maintenance of the prisons defrayed, otherwise the system must come to an end. The only object of appointing a Commission to inquire into the subject was that the system of penal servitude, which had been substituted for transportation, should be thoroughly investigated in all its bearings, in order to see whether discipline was fully and properly carried out, and to ascertain the relative results of penal servitude and what, as contrasted with it, was called imprisonment. No hon. Member would, he thought, believe that systematic cruelty was practised in our convict prisons; and he could only repeat that if the Report of the Commission showed that any improvement was needed, not a single day should be lost in giving effect to any recommendation upon which the Government might deem it expedient to act.

Mr. HIBBERT said, that, however severe the convict system might be, there were many prisoners who did not look upon penal servitude as being so severe a punishment as imprisonment for long periods. In two instances which had come within his own knowledge, when presiding at Quarter Sessions within the last two years, one prisoner who had been sentenced to two years, and another to 18 months' imprisonment, had begged, in the most earnest manner, to be sentenced to penal servitude instead. It was clear, therefore, that however severe penal servitude might be—and he did not mean to contend that it was not a very severe punishment, or that the law with respect to it did not require amendment—criminals did not regard it as being more severe than imprisonment, at least in some cases.

Mr. COLE said, the question which had been adverted to in the course of the discussion was one with regard to which he had entertained a very strong opinion for some years past. He had occupied the position of Recorder for many years, and one of the greatest difficulties which he had experienced in the discharge of the duties of that office was the awarding the proper amounts of punishment for the offences which he had to try. It often happened that a

prisoner who was brought before him was convicted of some small crime. He might have previously undergone a short period of imprisonment, also for a small offence, and there was his former conviction staring the Judge in the face. What was he, in these circumstances, to do? To pronounce a sentence of penal servitude for the full period of seven years was to inflict a terrible punishment, yet there was no power to give a less period. Those who were practically acquainted with the subject were also aware that two years' imprisonment was a terrible punishment. It had been frequently known to have driven those upon whom it had been inflicted to insanity. Yet, in many of the cases which came before him, the only alternative was between imprisonment for 18 months or two years, or a sentence to five years' penal servitude for a first offence, and seven if there was a prior conviction. The alteration in the law which was made some years ago, and which took away from Judges the power of passing sentences of three years' penal servitude, was, in his opinion, greatly to be regretted. Why, he would ask, should not that power be restored? He was anxious to impress upon the right hon. Gentleman the Secretary of State for the Home Department, in the strongest way he could, the necessity of making the change. He had not long ago the pleasure of a conversation with a learned friend of his who, perhaps, tried more prisoners during the year than any Judge in the Kingdom—as many as 150 prisoners every session (except sessions being held annually)—and he, as the result of his great experience, had informed him that the difficulty of duly apportioning punishments under the present state of the law was one of the greatest with which he had to deal. The gentleman to whom he referred was the Recorder of Liverpool, who had authorized him to express, if ever he spoke upon the subject in that House, his strong feeling that the law ought to be altered. He hoped, therefore, that the Home Secretary would feel it to be consistent with his duty to accept an Amendment which he intended to propose in the Criminal Code (Indictable Offences) Bill, giving the power to Judges to pass a sentence of three years' penal servitude.

Mr. HOPWOOD said, the question was one of great interest, and that he, to a great extent, concurred in the observations which had been made by his hon. and learned Friend who had just sat down as to the expediency of enabling Judges to pass sentences of penal servitude for a shorter period than five years. But leaving that point, he should like to know what prospect there was of some adequate system of inspection being brought to bear upon our great convict establishments? Were those great, solemn establishments, with their lofty walls and barred doors, to be altogether shut out from the view of the general public? What he wanted was that there should be somebody, on the part of the public, to look into them, and to see what was the mode of life and the position of their unfortunate inmates. He, for one, regretted that the power of the Visiting Justices had been almost destroyed, and he hoped to see their authority resuscitated and re-invigorated, so that, as far as possible, there might be a constant system of inspection of those institutions. There was another point connected with the subject which he was anxious to bring under the notice of the Secretary of State, although he had no doubt it was one which was frequently present to his mind. It was well, however, that it should be mentioned in that House, in order that it might be discussed, for the discussion might bear fruit in the future. We had, in those immense establishments of which he was speaking, a certain number of criminals who were doomed to undergo different periods of penal servitude. He was aware that the humane, and he believed the necessary, mode of administering the law required that those criminals should be afforded the hope that part of their term of punishment might be remitted. He did not wish, he might add, to raise too many doubts with regard to the administration of justice; but he must say that more than once or twice or three times in the course of his life he had felt convinced that a man had been made to undergo a term of penal servitude to which, though innocent, he was condemned. There was, of course, a great deal of difficulty in dealing with such case, and he knew very well how readily the Secretary of State, and his Predecessors in Office, had responded to any appeal

made to them to entertain and consider cases of the kind; but then it should be borne in mind that, in some instances, the necessary money was wanting to bring forward evidence; or death, perhaps, had removed some of the witnesses, or the Judge who tried the case; the result being that the wretched convict was left to endure his long period of unmerited punishment. That being so, would it not be possible, he would ask, to have an inspection of those prisons, and a review of the cases of the prisoners, to see whether or not some of the inmates might not safely be restored to civil life? It would require, no doubt, a high authority, and the possession of a lofty mind and judgment, in order that such a commission might be properly discharged; but, in the great majority of cases, the Judge who tried a prisoner could be appealed to; he could be asked to refer to his notes, and asked to give his opinion on the case; and, in that way, all the necessary precautions might be taken, and a proper amount of care bestowed upon each case as it arose. And, though caution was necessary in restoring convicts to civil life, he believed there were eminent authorities in the management of convict prisons in whose opinion at least one-third of the prisoners who were confined in them need not be detained there. Was not that a matter worthy of consideration? Was it not a terrible burden on our consciences that all this mass of human degradation should be maintained at the public expense, without any attempt being made to find out whether among the many cases there were not some of those convicts who might, without injury to society, be restored to it, and whether there were not some who had been innocently condemned? Was not the House of Commons incurring a great moral responsibility by not endeavouring, in regard to such a question, to perform its duty in some degree?

Mr. ASSHETON CROSS said, there were two points mentioned by the hon. and learned Gentleman in the course of his remarks with respect to which he entirely agreed with him, while there was one on which he differed from him altogether. He was, and had always been, in favour of the independent inspection of convict prisons; and he hoped the Commission would recommend some

scheme for the appointment of independent Visitors of all those establishments. He also concurred with the hon. and learned Gentleman in the opinion that there should be, at all events in all serious cases, the most ample opportunity given to a man who was wrongly condemned to have a new trial. The most suitable time, however, to deal with that question would be when the Criminal Code (Indictable Offences) Bill came on for discussion. But he would beg to remind the hon. and learned Gentleman that a man who had been convicted of a crime could always appeal to the Home Secretary without expense, and that no Home Secretary would be worthy to hold the Office if he did not most carefully investigate those cases which were brought before him. The point on which he differed from the hon. and learned Gentleman—and he did so most absolutely and entirely—was the expediency of sending a roving Commission all over the country to see how many offenders who had been properly convicted and sentenced to penal servitude might be again turned loose upon society. With such safeguards as he had mentioned against allowing an innocent man to suffer, it would be most unwise, in his opinion, that there should be any uncertainty as to a sentence being carried out after it had been passed.

MR. SERJEANT SIMON was sorry the right hon. Gentleman had not deferred his remarks for a few moments, because he was desirous of having a discussion on a matter which he had very much at heart—he meant the question of industrial labour in prisons. No doubt, the present system was a great improvement on that which formerly existed, when the course adopted with regard to prisoners assumed more of the character of retribution. But the great difficulty was how far it was possible to try to reform a criminal inside the walls of a prison without injuring the honest man outside. Now, he was afraid that in the endeavour to reform the offender they had, to an undue extent, interfered with the well-being of the honest man. ["No, No!"] The hon. Member who cried "No, no" was not, perhaps, as well acquainted as he was with the details of the subject. He knew that in the prison at Wakefield, and those in other towns in the North of England, trades had been carried on to

such a degree as to be exceedingly injurious to the interests of the honest working man. He would mention, especially, the mat and brushmaking trades. Honest respectable men had come to him, and had also gone on deputations to the Home Secretary, who had represented that they had been literally starved out of occupation through the monopoly of what was called prison labour. For that he did not hold the right hon. Gentleman in any way responsible; for he knew he was most anxious to redress, as far as lay in his power, the grievance of which those poor men complained. The right hon. Gentleman had been good enough, when the Prisons Bill was passing through the House, two years ago, to adopt an Amendment which he had moved, in order to form the recital to a clause in that Act, with the view of preventing the unfavourable operation of prison labour in the way which he had just mentioned. He had not very long ago, he might add, put a Question to the right hon. Gentleman, as to what was being done in the matter, and as to the total absence of any allusion to industrial labour in prisons in the Report for last year which had been laid upon the Table of the House. The answer was, that the Report did not at all apply to the present year, and that a Commission was now sitting with the view of redressing any grievance which might be shown to exist. Now, the inquiry would, he hoped, be carried out in a thorough manner. He, for one, was opposed to punishments being inflicted on offenders by way of retribution, or in any spirit of vindictiveness. The proper course was to endeavour to make a convict a better member of society, if possible, by reforming him. He would not, therefore, prohibit industries in gaols. If a prisoner knew a trade, let him follow it, and, if not, let him be taught one; but let not that system, at the same time, be carried out to the prejudice of the honest and respectable citizen who never committed a crime, and who had only his honest labour to depend upon. His attention had lately been called to the fact that there were absolutely tenders made from certain prisons for the manufacture of goods, not for the use of those prisons, or for the benefit of the prisoners, but in order that their work might go into the market and compete with that of the honest labourer outside.

They were seeking to reform the criminal at the expense of the honest working-man, and he protested against that system as one utterly unnecessary and unjust. He wished to ask the right hon. Gentleman the Secretary of State for the Home Department, whether his attention had been called to certain tenders issued from prisons in Lancashire to manufacturers, stating the price at which work could be done for them in the prisons, and whether that rate was one that would undersell the honest working man out of prison? It was a great evil, if such a system was in practice. If the right hon. Gentleman had not seen those tenders, would he make inquiries respecting them, or issue such orders as would prevent those proceedings in the prisons generally?

MR. HIBBERT did not at all agree with what had fallen from the hon. and learned Member (Mr. Serjeant Simon) with respect to prison labour. He held the opinion that the more industrial labour was extended in prisons the better it would be for the prisoners, provided that the trades carried on did not undersell the trades carried on outside. He rose, however, to ask his right hon. Friend for some little explanation about the amount voted for prisoners in convict establishments in the Colonies. There appeared to be one prisoner at Malta, 36 in new South Wales, 195 in Tasmania, described as paupers, lunatics, prisoners, or prisoners' children, costing £60 a-year each, and 225 in Western Australia, costing £100 a-year each, while our own convicts cost £48. He thought that some promise should be given as to when these grants in aid of Colonial convict establishments should cease.

MR. SULLIVAN wished to call attention to a subject referred to by him last year. He reminded the Secretary of State for the Home Department that he had admitted it to be most objectionable that a stipendiary Coroner should be retained for a Government prison; but in page 208 of the Estimates the salary of that officer again appeared. He begged, again, to call the attention of the right hon. Gentleman to this fact, which had probably escaped his attention.

MR. WHITWELL said, the subject just referred to by the hon. Member for Oldham (Mr. Hibbert) had also been

alluded to by him when the Votes were before the Committee last year. The whole Vote was one which could not be looked upon without a feeling of pain, inasmuch as it dealt with no less than 10,838 unhappy persons under confinement. He proposed to reduce this Vote by the sum of £4,950, being the amount of the cost of maintenance of invalids, lunatics, paupers, pauper children, &c., in Tasmania. He could not see why money should be voted for this purpose to the people of Tasmania. With regard to the Vote in aid of the Colonial magistracy, police gaols, &c., for Tasmania and Western Australia, which latter place had the control and management of the sum of £12,000, although he was perfectly aware that these grants were to expire in 1883, he considered that it was much better that they should be compounded for by the payment of a larger sum at once. The right hon. Gentleman would probably give an answer as to whether this would be done. Another question which he desired to ask was, whether the allowance to the prison officers included superannuation allowance, or whether that would have to be credited to them when the grant ceased?

MR. ASSHETON CROSS said, that, so far as the convict prisons were concerned, the work of mat-making, supposed to be improperly competing with honest labour, had been reduced, and, in many establishments, entirely discontinued. This industry was mainly directed to the supply of Government offices and establishments—which was, of course, perfectly allowable. If the necessity for industrial labour existed, the articles manufactured under the system ought not to be placed on a shelf and allowed to remain; they must be disposed of. His theory had always been, as far as possible, to make use of the labour of prisoners for the benefit of the State; and he was, at that moment, under considerable contracts with the Admiralty, and was endeavouring to get the Army to make contracts with the prisons for clothing, blankets, and matters of that kind. He thought nobody could possibly object to their making what they could for the public service, provided the canon laid down by the hon. Member for Oldham (Mr. Hibbert) was always followed—namely, that the proper market prices outside were not

Mr. Serjeant Simon

undersold; and the hon. Member might rely that the principle was not in any way lost sight of. The expenditure on the convict establishments in the Colonies was one which could not be put a stop to in a moment, for the simple reason that the men were there, and so long as they were there the Vote would necessarily continue. The reason why the expenditure was large in comparison with the number of prisoners was that though the latter was rapidly diminishing the same staff must be kept up. Even if the number of prisoners was 50, they would require the same number of men to look after them as if it was 100. Hon. Members would see, by the Report of last year, that the number of prisoners in Western Australia was 350 up to the 31st of December, 1876, and that in December, 1877, they only numbered 275. The latter number comprised prisoners, lunatics, and paupers out of employment. As to Malta and Gibraltar, he found, when he came into Office, that not a farthing was voted, as far as he understood, for Gibraltar; but the Vote of £20,000 for prisons in Malta he could not understand. [Sir GEORGE BOWYER: Hear!] His hon. and learned Friend knew all about it. [Sir GEORGE BOWYER: No, I want to know.] With regard to the Coroner referred to by the hon. and learned Member for Louth (Mr. Sullivan), he believed this must have been the Coroner who went to Dartmoor last year, and who was then paid by the State. But the hon. and learned Member would see that there was no Vote for this officer in the present Estimate. His hon. Friend the Secretary to the Treasury and he were entirely agreed that it was a wrong thing that the Coroner should be paid by the State.

Mr. WHITWELL asked for information as to the pauper children in the Colonies charged for under the Vote?

Mr. ASSHETON CROSS explained that these were thrown upon the hands of the Government by persons who, having been sent out as convicts, had become insane. Of course, these could not be turned adrift.

Mr. MITCHELL HENRY could not understand how this Vote could be postponed until the Report of the Royal Commission was in the hands of hon. Members as had been suggested by the hon. Member for Meath (Mr. Parnell). He rose for the purpose of asking the

Home Secretary when that Report might be expected? With regard to the subject of compensation for punishment undergone by prisoners wrongly condemned, and the discharge of prisoners before the expiration of their sentences, he was of opinion that the more certain punishment was made the more efficacious it would be, and that the only way in which a prisoner should be able to earn a remission of his sentence should be by good conduct. A sentence once pronounced ought, in his view, to be carried out. He would take the opportunity of reminding his hon. and learned Friend of a saying of the late Chief Baron O'Grady. A man, whose trial had been by various means postponed for a period of 18 months, was brought before him and convicted of a discreditable offence. The prisoner pleaded guilty, but brought a strong recommendation from the prison authorities, stating that his conduct had been of much use in the moral education of the other prisoners. The Chief Baron received that testimony with extreme pleasure; it was delightful to find that the prisoner had been so well conducted during confinement, and that circumstance ought to be taken into consideration; but he added—"I think, therefore, that as you are a gentleman who behaves so exceedingly well in prison, and so exceedingly badly out of it, the best thing I can do is to keep you there as long as I can."

SIR HENRY HOLLAND, as one of the Royal Commissioners, stated that the evidence had been closed, and that the consideration of the Report would begin on Friday. He hoped the Report would be presented to Parliament shortly after Whitsuntide.

Mr. MUNDELLA drew attention to the estimated charge for 600 military prisoners, which, according to the footnote on page 205, amounted to £20,000. He could not conceive why this amount appeared under this head; it should have been debited to the War Office.

Mr. PARNELL said, this was the third Session that the Committee had refrained from discussing this Vote, on the ground either that a Royal Commission was about to be appointed, or was taking evidence. He suggested that, as the Report was so very near its presentation, the Committee ought to postpone the Vote until that Report was before the House. The Report would

be necessarily a voluminous document, and time was needed to direct the attention of the Home Secretary to those points which were considered of importance, while it would be quite impossible for him to carry out the recommendations of the Committee without undertaking fresh legislation. It therefore followed that the House should have the opportunity of fully considering the Report before it voted the money asked for on the present occasion. With that object, he begged to move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

MR. ASSHETON CROSS hoped that the hon. Member would not persist in his Motion to report Progress. The Committee having been through an enormous amount of evidence, their Report would require some time for its consideration; and he absolutely declined to discuss that Report until he had an opportunity of reading the evidence. He trusted the Committee would not provoke discussion upon the Report in a serious manner until the evidence was before the House.

MR. PARNELL wished to point out to the Committee that unless the Home Secretary did something with a view to carry out the recommendations of the Report next Session, he would have no opportunity of doing so at all, because the next Session would be the last of this Parliament. Unless the Committee had an opportunity of discussing this Report partially, at all events, and publicly, during the present Session, legislation thereon could not be rendered a matter of any certainty. It would be very wrong that a serious question, upon which hon. Members had been working hard for a number of years, should be thrust off to another Parliament; because it was a matter of great doubt how many of those hon. Members might be returned at the next Election.

Motion, by leave, *withdrawn*.

SIR ANDREW LUSK hoped the Home Secretary would offer some facilities to magistrates to grant orders to the friends of prisoners to visit them in prison. It was very distressing to have to refer poor men and women, who

wanted to be allowed to see their relations who were undergoing imprisonment, to the Home Department. The stringent regulations of the Secretary of State for the Home Department were a very great hardship upon poor and ignorant people, who still had feelings of affection for their relations, even though in prison; and he trusted that some way would be found to relax them. It was almost impossible for these poor people to reach the Home Secretary at all; and that, in his opinion, was a strong reason for granting some other means for communication between the unhappy prisoners and their friends.

MR. ASSHETON CROSS pointed out that the hon. Member was discussing a subject which was not before the Committee.

SIR HENRY SELWIN-IBBETSON stated, in reply to the question of the hon. Member for Sheffield (Mr. Mundella), that the military prisoners were formerly charged for under the Army Votes; but that since the prisons had been taken over by the State, the cost was paid out of the Prison Votes.

MR. MUNDELLA maintained that if the accounts were to be kept correctly, the charge for the military prisoners must be debited to the several Departments of the Army and Navy; otherwise the comparative cost of the different Services was erroneously estimated.

MR. HIBBERT said, it was not the fact that this portion of the Vote was dealt with in the sense presented to the House.

Original Question put, and *agreed to*.

House *resumed*.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

CUSTOMS AND INLAND REVENUE BILL.—[BILL 150.]

(Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—*(Mr. Chancellor of the Exchequer.)*

Mr. Parnell

MR. NEWDEGATE: Mr. Speaker, the terms of my Amendment to the second reading of this Bill are—

"That this House will not recognize or accept as binding any Treaty or other engagements entered into by Her Majesty's Ministers, which might forestall or limit the control of this House over the financial resources and taxation of this Country, until further information as to such contemplated engagements has been laid upon the Table of this House, and this House shall have had an opportunity of expressing an opinion thereon."

It is due to the House that I should explain why I have ventured thus early to call the attention of hon. Members to the subject of my Motion. It is now 19 years since this important subject was seriously debated in Parliament, and during those 19 years this House has undergone great changes. The number of Members who had seats in the House during the debates of the year 1860 upon the Commercial Treaty with France is very limited; and I find that among the other Members of the House there prevails in a certain degree a misunderstanding of the real position of this House with respect to Commercial Treaties, especially as that position is affected by the announcement of Her Majesty's Government that negotiations are pending for the renewal of the Commercial Treaty with France for six months. That, Sir, seems to be a very limited period; but my experience of the effects of the Treaty of 1860 is such, that I think I am bound immediately to claim the attention of the House before these negotiations proceed further. Sir, the Treaty of 1860—the Commercial Treaty with France—is not an ordinary Commercial Treaty. The Party, who at present sit on this side of the House, felt very strongly in 1860 that, in its substance and in the circumstances under which it was negotiated, the Treaty of 1860 constituted a very wide departure from the only precedent of a Commercial Treaty with France which at that time existed—the Commercial Treaty negotiated by Mr. Pitt in the year 1787. Let me refer for a few moments to the circumstances under which the Treaty of 1860 was negotiated. It was not until the 23rd of December, 1859, that the public became at all aware, far less this House, which was then in Recess, that there was any idea entertained of contracting a Commercial Treaty with France. It then appeared that the late

Mr. Cobden, a distinguished man, but not a Member of Her Majesty's Government, was employed in Paris in negotiating for a Treaty of Commerce directly with the late Emperor of the French, and that he had for some time been in communication with M. Rouher, one of the French Ministers. Lord Cowley, our Ambassador, was informed that such negotiations were going on, and he wrote to the late Lord Russell, then Secretary of State for Foreign Affairs—

"I conclude that your Lordship is aware that Mr. Cobden is unofficially negotiating for a Commercial Treaty between England and France."

The reply of Lord Russell, I believe, confessed that he was aware of the circumstance; but up to or about the 23rd of December, 1859, Lord Cowley, our Ambassador in Paris, knew nothing of it. Lord Cowley concluded his despatch by saying that he could have no feeling of jealousy on the subject, and that he hoped Mr. Cobden would be officially intrusted with the conduct of the negotiations. Immediately upon that, Mr. Cobden was officially employed; and let the House observe, the first information that negotiations were in progress arrived on the 23rd of December, 1859, and upon the 23rd of January, 1860, the Treaty was signed. Parliament met upon the 24th of January, and on the 10th of February the Chancellor of the Exchequer made his Financial Statement, having induced this House to take Ways and Means before Supply, so that he might include in his Budget the substance of the Treaty, so far as it affected the finances of this country. Her Majesty's then Ministers, under the Leadership of Lord Palmerston, had a large majority in this House, and on the 20th of February, in considerably less than two months from the first announcement, this House found itself committed to the substance of the French Treaty, so far as it affected the taxation of this country. These were very rapid and unexpected proceedings. The Conservative Party used every exertion to induce Her Majesty's then Ministers to conform to the precedent of 1787, but without success. When Mr. Pitt undertook to negotiate a Treaty of Commerce with France, how did he proceed? He negotiated the Treaty. He placed it before the commercial public, and so left

it for five months before he proposed it to Parliament; and when he proposed it to Parliament, he did not propose at once to incorporate the provisions of the Treaty in the Budget, but asked the consent of each House of Parliament to that Treaty by Resolution. Could there, Sir, be a greater difference between two modes of procedure, than between the mode of procedure adopted by Mr. Pitt, and the mode of procedure adopted by the Government of Lord Palmerston? I know that among the Members of this House, who cannot clearly recollect what occurred in 1860, the idea exists that Parliament has little or nothing to do with Commercial Treaties—that the conclusion of a Commercial Treaty is an affair of the Government, and that Parliamentary consent, if necessary at all, is a mere formality. No Member of this House, Sir, except he be a Member of the Government, acting on behalf of Her Majesty's Ministers, can propose the imposition of any tax, or the increase of any tax; and exactly upon the same principle no Member of this House, unless he be a Member of the Administration, and is authorized by the Government, can negotiate a Treaty, and least of all a Commercial Treaty; because a Commercial Treaty may affect the financial resources of the country for years to come; it may affect, as the Treaty of 1860 affected, and control, as the Treaty of 1860 controlled, the power of taxation, which is vested in this House, not for one year only, but for 10 or 20 years. I will now state to the House why, after the experience we had in 1860 of the secrecy and rapidity with which the last Commercial Treaty was negotiated, I have thought it my duty, on the first intimation that that Treaty is to be continued, renewed, or altered—I believe it is intended that this Treaty is to be altered—to intervene. I have, therefore, thought it my duty to ask the House to affirm that we have not forgotten the functions of the House in reference to this matter, because the House forgot its position in this matter. The conclusion of the Treaty would, to the extent of its provisions, incapacitate this House from performing its function of regulating and granting taxation. This abdication on the part of the House might be for an unlimited period, for any period which it might please the Government to assign as the duration of

Mr. Newdegate

the Treaty. I have reason, as I will presently show, to remember these circumstances. Under this Treaty the number of articles in the British tariff was reduced from 419 to 48. The duties abolished were almost entirely upon articles, not of necessity, but of luxury. It will be enough to state, in illustration of the sweeping nature of this Treaty, that the total amount of taxation which it either abolished or reduced—mind you, abolished or reduced—not for the year, nor for five years, but during the period of the existence of the Treaty—for 10 years Parliament deprived itself of all control over financial resources which yielded £1,700,000. If these Customs duties had been left, according to the natural increase and growth of Customs duties, they would have yielded more than £2,000,000 now. This is not a small item. I will not trouble the House by going through the principal articles affected by the Treaty—such as the reduction of the wine duties in favour of French wines, which created great jealousy on the part of the Spanish and Portuguese Governments. The number of articles upon which Customs duties had been levied, and which were thus either abolished or reduced, was very large; these articles were chiefly the produce of France. That this should have been the case was the ordinary condition of Commercial Treaties between two countries; but the extraordinary condition of this Treaty is that this House bound itself to the Government of France not to impose or reimpose, during the period of the Treaty, these duties upon the produce of any country in the world. This extraordinary provision has, by the operation of this Treaty, been made fundamental as regards other Treaties—the foundation of engagements unspecified in other Treaties—and for the benefit of other countries. The direct engagement on the part of this country under this Treaty is with France only. The benefit which we receive in return for this abandonment of the power of taxation is reciprocated by France only, whilst the rest of the world gets the uncompensated benefit of our concession. Under this Treaty we can claim nothing from Germany, nothing from the United States, nothing from Austria, nothing from Belgium, or from Russia. The commerce of each of these States

profits by this Treaty at the expense of this country. Such are the provisions which the Chancellor of the Exchequer of that day (Mr. Gladstone) declared to be consistent with the object of the Treaty; but they are provisions which I wish the House fully to understand before it commits itself to a renewal of this extraordinary engagement. I trust the House will allow me to verify what I have said by quoting the words of the Chancellor of the Exchequer. In his Financial Statement of the 10th of February, 1860, he said—

"I come next, Sir, to the English covenants. England engages, with a limited power of exception, which we propose to exercise with respect only to two or three articles, to abolish immediately and totally all duties upon all manufactured goods. There will be a sweep, clean, entire, and absolute, of manufactured goods from the face of the British tariff."
—[3 *Hansard*, clvi. 834.]

The right hon. Gentleman went on to say—

"France is perfectly aware that our legislation makes no distinction between one nation and another, and that what we enact for her we shall at the same time enact for all the world."
—[*Ibid.* 837.]

I have said that I have had reason to remember the effects of this Treaty. Among the duties which were immediately abolished under its provisions were the duties on silk manufactures, and these included the duty of 15 per cent upon ribands, the article chiefly manufactured in Coventry at that time, and in a district extending from Coventry 10 miles northwards, including the town of Nuneaton, and several other populous manufacturing places. Mr. Disraeli and the Conservative Party in this House were kind enough to assist me in the endeavour to prevent the abolition of this duty from being immediate; but the Government were inexorable. The abolition of the duty was immediate. Parliament broke up, and in the month of September following I found myself the chairman of a relief committee in my own neighbourhood, with 22,000 persons to provide for beyond those who could obtain relief under the Poor Law. This state of things was, in great measure, produced by the suddenness with which this Treaty came into operation—an operation as sudden as the negotiations for the completion of the Treaty were rapid. Her Majesty the Queen, with her usual benevolence, subscribed

for the relief of the distressed work-people. The Prince of Wales also subscribed, as did the right hon. Gentleman the then Chancellor of the Exchequer, who himself had forced on the Treaty. I was employed for three winters in distributing some £47,000 to relieve the distress which had been occasioned by the operation of that Treaty among my constituents. But the effects of the Treaty were not restricted to my constituents. I remember that there were in Manchester eight firms of broad silk manufacturers, who petitioned in favour of the Treaty and the abolition of the Customs duties. I have a copy of their Petition now. Every single firm whose representative signed that Petition has since failed, and in my own district this branch of industry has been reduced to one-third or one-fourth of what the trade was in 1860. I believe not more than one-fourth of what it was then remains. We were told that we were behind the time, and our produce was inferior to that of France; but I have the satisfaction of knowing that at the first Exhibition of Paris the riband, which won the first prize from all the French ribands, was manufactured within four miles of my house in Warwickshire. I think I have some reason, then, to remember what has been the operation of this French Treaty; and I am most anxious that this House should thus early, after we have received the intimation that the continuation or renewal of this Treaty is contemplated, remind Her Majesty's Ministers that without the consent of this House—and I trust that the consent of the House will not be given without due consideration—it is impossible either to renew, to alter, or to continue this Treaty with France, or to negotiate any other. Allow me, for the information of those hon. Members of the House who have not had the advantage or misfortune of being here so many years as myself, to show that this House must be a party to, and responsible for, any Commercial Treaty that is contracted. We have nothing directly to do with negotiations for a Treaty, any more than we have the power of proposing taxation. The negotiation of a Commercial Treaty, like the negotiation of every other Treaty, is a function of the Executive Government, just as the proposal of every tax is delegated to them—that is their duty and privi-

lege; but the sanctioning of a Commercial Treaty is just as much the function of this House as is the consent which we are appointed to give or withhold from the proposals of the Government for taxation. In this very Treaty, the 5th Article, a very important one, begins in these words—

“Her Britannic Majesty engages to recommend to Parliament to enable her to abolish the duties of importation on the following articles,” &c., &c.

The 5th Article begins—

“Her Britannic Majesty engages also to propose to Parliament that the duties on the importation of French wines be at once reduced.”

And the 7th Article begins—

“Her Britannic Majesty promises to recommend to Parliament to admit into the United Kingdom merchandise imported from France at a rate of duty equal to the Excise duty,” &c.

This House, then, is responsible for every Commercial Treaty. It is the function of this House to sanction or reject every Commercial Treaty. This power is identical, which the House possesses, either to accept or reject the proposal of the Government for the imposition of taxes. It is perfectly true that this House ought not to directly interfere with the negotiations of a Commercial Treaty. I know that it was the general feeling that, until he was duly authorized and appointed, the late Mr. Cobden outstepped his duty as a Member of Parliament by the part he took in the year 1860. What he did was no doubt prompted by an excess of zeal; but if he erred in the first instance, his error was subsequently condoned, and more than condoned, by his being appointed the Representative of this country for the purpose of carrying on the negotiations. All the more, however, is it the duty of this House to avoid, if possible, the difficulty which might be entailed by the House feeling itself unable to sanction the provisions of any Treaty which may have been negotiated. I know that this feeling weighed very heavily upon some Members of the Conservative Party in 1860. The circumstances of Europe at that time were somewhat critical. It was thought by some a very great advantage to this country that we should be on good terms with the Emperor of the French, and I know positively that this circumstance weighed very deeply with some Members of this House, who

otherwise might have been anxious to press some modification of the obligations which this country undertook by that Treaty. It is for this reason, Sir, I now invite an expression of opinion on the part of this House with regard to this important subject. As this Treaty must expire on the 31st of December next, I ask this House now to consider, I ask the commercial public now to consider, whether there are any provisions in that Treaty which, in their opinion, need alteration; and if that be their opinion, now is the time that they should approach Her Majesty's Government with their suggestions. Now is the time, and the only time, when, conveniently and safely, the commercial experience and opinion of the country can be brought to bear with a view to the future. I hope the House will forgive me for thus bringing under its notice the position in which we are placed. In the year 1860 the feeling was in favour of the system of free imports, to which, for nearly 20 years, this country has been bound to a great extent by this Treaty—bound to the system of free imports from the whole world, whilst the expectation of Reciprocity is by this Treaty limited to our commerce with France only. For nearly 20 years, then, we have been fettered by this Treaty. In 1860 the expectation was rife that the great commercial countries of the world, that Europe and the United States would reciprocate the abandonment of import duties which this country had then adopted, and of their own accord freely follow our example in this respect. Sir, there is no such expectation now. Russia shows no sign of an intention to relax her high tariff. Some persons speak of Russia as if her Government were ignorant on this subject. But Russia reduced her import duties, with a view to the adoption of Free Trade, as far back as the year 1815. She tried the system for five or six years, but found it to be so ruinous that she abandoned it in 1821, and never after renewed it. Again, in 1816, the United States largely reduced their import duties; but they, too, found the system so ruinous that they raised their duties in 1828, and have ever since, though not so steadily as Russia, refused to abandon their Customs duties. With reference to this commercial legislation and these commercial engagements, it behoves the House to consider the

political temper of the world. The tendency of the world, I need hardly say, is now in the direction of Imperialism. You have the German Empire established, the Austria-Hungarian Empire consolidated, and the Empire of Russia extended. France has not abandoned an Imperial policy in matters commercial because she is a Republic; and there is no commercial policy more Imperial than the commercial policy of the United States of America. What are the United States but a Federation of Sovereign States? The Republic, which combines these Sovereign States, by this Federal Union is essentially Imperial. Look at her financial policy, her Imperial power, and her central combining Republican Government, the seat of which is at Washington, yet the Central Government cannot impose direct taxation except in time of war. The imposition of direct taxation is the privilege of each Sovereign State, and they guard that privilege against the Federal power with the utmost jealousy. In times of peace the only financial resource of the Federal power of America is taxation by Customs duties. That distinguished man, General Grant, ex-President of the United States, visited Birmingham last autumn; and, on that occasion, the able junior Member for Birmingham (Mr. Chamberlain) made an eloquent speech—such as, indeed, he usually makes—in the expectation that he would receive from the ex-President some encouragement to hope that the United States would abandon their protective system. And what said General Grant? He said that he had not been accustomed to make political speeches until he came to England; but he could assure the hon. Gentleman who had been so eloquent, and whom he had found hospitable as a host, that the example of England had been firmly impressed upon her descendants in the United States; that they had seen England's commercial greatness and power grow up under a protective system of Customs duties; that the people of the United States would follow the example of the people of England, and that when their commercial prosperity and power became as great as that of England had been, perhaps they might adopt the system of free imports. You will always find an Imperial system of government disposed to levy taxation by means of Customs duties on imports, just for the

same reasons as that which induced the framers of the Constitution of the United States of America to prescribe that system. You may, in the face of this Imperialistic movement throughout the world, call this retrogressive policy, or what you like; but it has become, none the less, but the more, a duty incumbent upon Her Majesty's Government to consider this matter most carefully and thoughtfully before they again commit themselves to the system of free imports in favour of all the world, by a renewal of this Treaty, under which they have Reciprocity from one State only—France. Apart from the question of commercial gain—whatever the House may think of the economical disadvantages of Customs duties—there is no doubt that taxation by Customs duties is the form of taxation most easily levied throughout a wide Empire—in the distant portions of a scattered Empire. That is a consideration which at once recommends it to the Minister of an Empire. I have heard great surprise expressed that Prince Bismarck has recommended a high Customs tariff for the German Empire. When I heard that that most estimable of Sovereigns, the Emperor of Germany, had been twice assailed, and at last wounded, I felt grieved. Have we not heard of Nihilism, and of the revolutionary and discontented spirit prevailing in Germany and in Russia? May it not have occurred to Prince Bismarck that, if he needed fresh taxation, it would be well if, by the form of taxation he should recommend, he might revive the filial feeling of the German people towards their Emperor, to whom they had looked up as to a father? Was it not wise on the part of Prince Bismarck to sacrifice some economical advantage, if by the establishment of a system of taxation that, without extreme pressure, would favour the feeling of filial devotion in the nation towards their Emperor as the Chief of a paternal Government, while it would furnish the means of cementing the Empire he had so successfully laboured to erect? I venture, then, to move the words that stand in my name; and I do so in the hope that the Government will take the same broad view that they took in 1787, and give the House an assurance that they will not imitate the Government of Lord Palmerston, and deny to us, and thus deny to the country, full opportunity of considering

the provisions of any Treaty which they may renew or propose. So that, before the House of Commons is asked, as it must be asked, to give its sanction to any new or renewed Commercial Treaty, we shall each and all of us be assured that we shall have time to consult our constituents. If any engagement is to be entered into between this country and France, I hope it will be with France alone, leaving this country at liberty to negotiate with the other Powers; not compromising our position towards the whole world through France, but negotiating with France, for herself only, so as to secure Reciprocity with France, whilst our hands shall remain free to seek Reciprocity from the other nations of the world. I hope that any future Commercial Treaty will be in the sense of Mr. Pitt's Treaty of 1787—that the Conservative Ministry of the present day will follow the example of that great Conservative statesman, by affording ample opportunity for consideration and inquiry, before they propose that this House should commit itself to any scheme they may have in hand.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will not recognize or accept as binding any Treaty or other engagements entered into by Her Majesty's Ministers which might forestall or limit the control of this House over the financial resources and taxation of this Country, until full information as to such contemplated engagements has been laid upon the Table of this House, and this House shall have had the opportunity of expressing an opinion thereon,"—(*Mr. Newdegate*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WILFRID LAWSON said, that he had listened to the speech of the hon. Gentleman who had just sat down with much interest, as he had given them a new idea of the intention of protective duties, for it appeared that those duties were levied in Russia to protect the life of the Emperor. The hon. Member was enthusiastic in favour of his old scheme. He (Sir Wilfrid Lawson) had lately read in a newspaper that there were only three great statesmen now living who believed in Protection—namely, Prince Bismarck, Lord Bate-man, and Mr. Mac Iver. But it was

plain that a fourth might be added to these in the person of the hon. Member for North Warwickshire. Now, looking at his Amendment, he must say that it was well worthy the consideration of the House, though he might say that he was rather doubtful about the grammar—he thought it was bad, but it was good sense; and he was very glad that the hon. Member had had the courage, sitting on the Ministerial side of the House, to move an Amendment to the Budget of his own Chancellor of the Exchequer, because, although they had two nights' debate on the Amendment of the hon. Member for Burnley (Mr. Rylands), the subject had not been thoroughly thrashed out even on that occasion. He had himself intended to propose an Amendment at a subsequent stage of the Budget proceedings; but his noble Friend on the front Opposition Bench got up and asked him, as a matter of convenience, not to move it then, and he had acceded to his request, though at the time he thought he was rather pooh-poohed by his noble Friend. In fact, his Amendment was rather too good for the noble Lord. However, he thanked the hon. Gentleman opposite for giving him the present opportunity of expressing his views on the Budget. No policy could be carried out without involving more or less expenditure, and that was the meaning of the expression of the Prime Minister; but the expenditure depended upon policy. He presumed that the reason why his hon. Friend had brought forward this Amendment was because his hon. Friend felt as he felt—that on many important occasions the policy which the Government were going to adopt had been unduly kept back from the House. The House had been kept far too long in the dark concerning it. The hon. Gentleman, in his Amendment, advocated the desirability of not

"Recognizing or accepting as binding any Treaty or other engagements entered into by Her Majesty's Ministers which might forestall or limit the control of this House over the financial resources and taxation of this Country, until full information as to such contemplated engagements has been laid upon the Table of this House."

Well, their opinion on the great lines of policy had been very often ignored and their power limited, but eventually they had the bill to pay. When anybody talked of late about the foreign

policy of the Government, they were told—"It's no use talking about it; let bygones be bygones." If the policy of the Government were abandoned, there would be something in that advice; but they found that the Government intended to proceed on exactly the same line on which they had formerly proceeded. At a late Conservative dinner, Lord Salisbury said the Government, for the sake of peace, had given up a great deal, but they could give up no more. It was the foreign policy of the Government—a policy which they seemed resolved to persevere in—which entailed the enormous military expenditure, and that expenditure was the heaviest burthen of the enormous Revenue which had to be raised. He need not dwell upon the details of the Budget; it was a Budget which might be summed up in the sentence in which the moralist advised the young man—"Always live within your income, even if you have to borrow money to do it with." It was the old story—the Liberals came in and earned money; the Conservatives came in and spent it. The Liberals were the drudges of politics, who earned the money; the Conservatives were the Gentlemen who succeeded them, and spent it. ["Question."] Well, he thought the question was the Budget. ["No, no!"] When all this money had been borrowed to carry out the policy of the Government, he was rather surprised at the course taken by hon. Gentlemen opposite, who condemned the proposed remission of the Income Tax by the late Prime Minister in 1874. The First Lord of the Admiralty said we had not a ship or a man too many. He (Sir Wilfrid Lawson) thoroughly agreed with that statement. If they were to carry out the policy the Government intended should be carried out, in his humble opinion, they had far too few men, because they were told that the Government were resolved to do its duty to the world. If this little Island were to do its duty to the world in the sense of the Government, three times the money asked for at present would be required for that purpose. He wished Ministers, who regarded it as their duty to be interfering in every part of Europe, would bear in mind the speech in which their Colleague, Lord Cranbrook, had asked what divine right this country had to go crusading in every part of the world? The present was not the

right time to call upon the country to raise an enormous sum of money. There were, of course, two opinions about the depression now existing in the country. One was the opinion held on the other side of the House, that it arose from four bad harvests, one hard frost, and the failure of the City of Glasgow Bank. The other was the opinion prevalent on this side of the House, that, although those causes had something to do with it, the commercial depression had been greatly aggravated by the enormous expenditure which had been imposed, and by the feeling of insecurity which the foreign policy of the Government had created. ["Question."] He knew that hon. Members on the opposite side of the House did not wish him to go at any great length into this matter. He had heard right hon. Gentlemen on the front Ministerial Bench declare that theirs was a policy of Peace, Retrenchment, and Reform. He need not say more with respect to their policy of peace, than that they had already two wars in hand, and any number on the stocks. As to retrenchment, the country was now called upon to raise a larger Revenue than it had ever previously been required to furnish; and as to the reforms effected by the present Administration, the less said the better. He had said that England was engaged in two wars; but they had heard that night that one of those wars had been brought to a conclusion. [Cheers.] He heard the cheers of hon. Members on the opposite Benches who rejoiced that peace had been made; but he condemned the war in spite of the success that had attended it, for he could see nothing to be delighted at in the fortunate issue of a policy of triumphant wrong. What the cost of the war in Africa would be no one knew, and why was it carried on? He supposed it was to retrieve what was called the military situation. In other words, revenge, because they had been defeated in one battle. He altogether condemned the spending of money for such a purpose. He, therefore, gave his hearty support to the Amendment of the hon. Member for North Warwickshire, not because he thought that Commercial Treaties were the only Treaties which should be brought under the review of the House, but because that Amendment struck at the neglect of the opinion and sentiment of

the House; and because he felt that if the views embodied in the Amendment were carried out, it would be more difficult in future to involve the country in those ruinous enterprises which had done so much to bring discredit upon them, and which, if not prevented in the future, would involve them in still greater disasters and distress.

MR. MAC IVER said, it was much to be regretted that the hon. Baronet the Member for Carlisle should, in seconding the very important Amendment introduced by the hon. Member for North Warwickshire, have favoured the House with a speech that must have been prepared for some other occasion, and sought to divert attention from the real point at issue. What had the speech of the hon. Baronet, save a little at the commencement and conclusion, to do with the Customs and Inland Revenue Bill? The renewal or abandonment of our commercial relations with France, however, had a great deal to do with it. When the right hon. Gentleman the Member for Birmingham (Mr. John Bright) should depart this life, his epitaph might be—"Estimable in all relations of private life, he gave us sour claret cheap, and ruined the weavers of Coventry." [*Murmurs.*] The motto of the Cobden Club was—"Free Trade, Peace, Goodwill amongst Nations"—good intentions enough, no doubt; but they had all heard of the way that was paved with good intentions. Well, the word "reciprocity" was a very much abused word; but he ventured to think that even Mr. Cobden never meant that the people of this country should fight the battle of Free Trade single-handed against the world. Where, except in England, he asked, could they find any statesman who seriously advocated unqualified Free Trade? The good intentions of the Cobden Club were not sufficient; and he thought that, without Reciprocity in some form, true Free Trade could not exist. They must be permitted to sell as well as to buy. All barriers between one nation and another should be broken down, and there should be the most unrestricted interchange of commodities between the nations of the world. That was the kind of Free Trade which he wished to see, and he was not the only man in England who wished to see it. It was not Free Trade at all unless they could sell with advantage as they

bought, and they were not so enabled under the Commercial Treaty with France; they were not so under their commercial relations generally with the rest of the world. Why did the French people meet us so hardly in the case of sugar, for instance? Was it not the belief that we in this country were steadfastly and firmly wedded at all hazard to the principles of Free Trade, and that we should never modify them? He asked that we should look at the circumstances of each case by themselves; that we should be Free Traders as far as it was practicable, but that we should be Protectionists where it was our interest to be so. That was something very different from advocating Free Trade at all hazards. He would only trespass for a very few moments more upon the attention of the House; but he wished to make one quotation which many hon. Gentlemen opposite might have seen or heard of for the first time. It was from a book called *Smith's Wealth of Nations*—

"It must sometimes be a matter of deliberation how far it is proper to continue the free importation of certain foreign goods, when some foreign nations restrain by high duties the importation of some of our manufactures in their country. This case naturally dictates retaliation, and that we should impose the like duties upon some or all of their manufactures coming into our country."

Such was the opinion of Adam Smith, and he commended it to the study of hon. Gentlemen opposite. Reciprocity, in his (Mr. Mac Iver's) view, meant, as in any good dictionary it was defined to mean, "equal mutual rights or benefits to be yielded or enjoyed." Reciprocity involved the great principle of fair trade as well as Free Trade; that we should encourage the mutual interchange of commodities. The commercial relations existing between this country and France did not meet his idea of Free Trade. What did they get from, and what did they give to, France? From the Board of Trade Returns he found that they imported to the value of about £45,000,000 of goods of one kind or another from France, and that they sent to France in exchange £25,000,000, of which only £14,000,000 worth could be said to be manufactured goods, the residue consisting of raw material. M. Michel Chevalier well stated French policy on this subject, in writing to the Liver-

Sir Wilfrid Lawson

pool Chamber of Commerce two years ago, when he said—

"We collect Customs duties to protect the manufacturing interest, and the *surtaxe d'entrepôt* was for the protection of the shipping interests of France, by making it impossible for foreign nations to compete with her shippers for the conveying of a large part of her imports."

He was glad to see the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) in his place, because he wished to tell him that, as regarded our commercial relations with France, he knew nothing whatever about the most important points affecting the shipping interests of the country. He wished to explain to the right hon. Gentleman and to the House that the *surtaxe d'entrepôt*, no matter what the theory might be, was, owing to our geographical position, practically a differential duty against Great Britain. England was the only country from which foreign produce was likely to be re-exported to France, and this was a special tax of about 30 francs a-ton against such shipments. They heard a great deal, but he must say chiefly for election purposes, about what the Opposition would like to do. Let him point out what they had done. The French Treaty was unquestionably very much their work. He charged against the right hon. Member for Birmingham and his Friends that in this Treaty they reduced the duties on the luxuries of the rich; but they did nothing whatever that could in any way benefit the working man in England. ["Oh!"] Was that not true? Would the right hon. Member for Birmingham contradict it? They had done some things, no doubt. They interfered with sugar refining in Great Britain, and the ruin followed, not only of the sugar refiners of England, but of the sugar-growing Colonies, on whom the policy re-acted. We were a nation of producers; the consumers were the drones; but he knew, as a carrier, that he was now taking to French and Italian ports cotton which, under other circumstances, would come to this country. This showed that other nations were now making for themselves what we used to make for them, and they were enabled to do this by their restrictive duties, which we could never induce them to abandon unless we had something to give them in return. The silks and woollens we got from France could, in many instances, be made better

and just about as cheaply in England, very little, indeed, would turn the scale. The extra cost of home-made goods— $\frac{1}{2}d.$ or $\frac{3}{4}d.$ a-yard—would be an inappreciable tax on the consumer. Hon. Members did not know whether their coats were made in France or England. [Laughter.] The loss to the English manufacturer was real indeed. He was at a disadvantage as compared with the more extended range of customers of the French manufacturer, for he must find his only market at home—he was shut out of our own Colonies as well as France. This Commercial Treaty with France was a thoroughly bad bargain, and he desired to see a new one more advantageous to British interests. Let hon. Members remember that John Stuart Mill had written—

"A country cannot be expected to renounce the power of taxing foreigners, unless foreigners will in return practise towards itself the same forbearance. The only mode in which a country can save itself from being a loser by the revenue duties imposed by other countries on its commodities is to impose corresponding revenue duties on theirs."

Hon. Members opposite could hardly get over that. The day was gone by when mere abuse would be considered a sufficient reply.

MR. PEASE thought that the House would agree with him that the Chancellor of the Exchequer was very much to be congratulated that evening, as a diversion had been made in his favour. They had come down to hear the second reading of the Customs and Inland Revenue Bill, and they had had a discussion upon Free Trade. With regard to the arguments which had just been used, he was sure that the Chancellor of the Exchequer would be able to dispose of them in a very few sentences. His great object in rising was not to discuss the Protectionist measures of the hon. Member for North Warwickshire, or the remarkable speech of the hon. Member for Birkenhead (Mr. Mac Iver), but to make a few remarks upon the Customs and Inland Revenue Bill. The Chancellor of the Exchequer, on introducing the Bill, had stated that they should all feel that the demand this year upon the National Exchequer was unusually great. He thought it was generally agreed that the Chancellor of the Exchequer was asking for a very considerable sum of money. He was not about

to find fault with the Government on the manner of defining payments which they proposed and to which he objected; but he thought that the policy which was being pursued cost the country a great deal of money, and would cause much further expenditure. It behoved them to look at what the state of the country really was at the present time, when they were indulging in a foreign policy which would require a large expenditure. If there was any trade or description of industry which required protection at the present moment, it must be agriculture. But would any hon. Member be bold enough to come down to the House to ask that corn and meat, or any of those articles the cheapness of which had done so much to vindicate the policy of the country, should have Protectionist duties placed upon them? And what was the state of the industries of the country? The manufacturing districts of the North, especially on the western side of the country, were at the present moment almost paralyzed. The iron and coal trades were in a very depressed condition. Whether they looked to the commercial, the agricultural, or the manufacturing interests of the country, they found them all in the same state. And when the Chancellor of the Exchequer came to the House and asked for an abnormal amount of taxation—5*d.* in the pound Income Tax—and no remission whatever of taxation, it became a very serious matter. The House might know by the state of the Poor Law Returns what the condition of the country must have been during the last two years. The figures of those Returns, showing the percentage of paupers, spoke for themselves; and in that state of things the Government ought to use every possible effort to stop the enormous expenditure going on abroad and at home. They had an extravagant war in South Africa, and it seemed to him that they had a Governor there who had violated every instruction sent to him, and who had acted in direct opposition to all the directions as to policy which he had received from the Home Government, and at that moment was plunging them into a war which was a disgrace to their Christianity and civilization. The war was condemned by Her Majesty's Government, and would cost them no less than from £5,000,000

to £10,000,000. Whilst things were in that state abroad, they might look for some check upon the expenditure at home. He had gone pretty carefully through the various items in the Estimates. There were various charges for education, for the police, and for grants which were made in aid of local taxation, and in almost every Department of the State the expenditure was increased. With regard to education, it seemed to him that the noble Lord the present President of the Board of Trade (Viscount Sandon) made a very considerable mistake in allowing the additional grants from the Government in aid of local taxation as regarded education. He would call the attention of the right hon. Gentleman the Chancellor of the Exchequer to a paragraph in the Report of last year, in which it was said that the demand for educational purposes from the Imperial resources would become still greater. By the Education Act they had again placed local hands in the Imperial pocket; and they had also done the same thing by giving an opportunity of borrowing for purposes neither national or Imperial. He believed that these facilities for obtaining money for education, for sanitary, and other purposes, was producing a very considerable waste. It was very easy to borrow; but it was very difficult to repay. He had not the slightest doubt in his own mind that if local taxation had been more resorted to for purely local purposes, they would have had the Imperial Exchequer not only left alone, but the local taxation considerably lower than at the present moment. He made these remarks because he felt that this country, if it were going again to be prosperous, must adopt the rules by which it had become prosperous, must practise economy at the present moment. Economy had to be exercised by all classes of the people, and ought also to be exercised by the Government, both in regard to their foreign and home policy. A reduction of expenditure seemed to him to be the only means of restoring that prosperity, the absence of which they so much deplored.

MR. J. G. HUBBARD was not going to follow the discussion into all the questions that had been raised, for he did not think that the Customs and Inland Revenue Bill was necessarily con-

nected with the last Commercial Treaty with France. He wished to make a few remarks upon a portion of this Bill—namely, its provisions with regard to Income Tax. The incidence of the Income Tax was, as the House knew, of a very harsh character; and he understood it was the desire of the Chancellor of the Exchequer to mitigate the hardship inflicted upon persons who were made collectors of Income Tax against their will. If his object in introducing the 23rd clause into the Bill were only to meet the objection raised by the hon. Member for Plymouth with regard to the forced collection of the tax, he would not move the rejection of the clause; but he should move a provision to except the City of London from its operation. There was another matter upon which he begged to give Notice that he should propose in Committee a clause which should require all the collectors of Income Tax and of Inhabited House Duty to give a statement to the taxpayer of the demands made upon him. He should propose that the statement should contain the assessed value of the property, its nature, and the rate at which it was charged. At the present moment the collector of local rates gave a most perfect statement, showing the nature of all the rates levied, and the value at which the property was taken. It was indefensible that a collector should be allowed to demand the Queen's taxes without furnishing a similar document. He would offer no objection to the second reading of the Bill, and trusted the Chancellor of the Exchequer would not object to the Proviso which he wished to introduce.

MR. BOURKE: It may be convenient that I should now say something on the subject of the Resolution of my hon. Friend the Member for North Warwickshire; and I am sure that, if necessary, the House will afterwards listen to any observations which my right hon. Friend the Chancellor of the Exchequer may wish to make. There is one observation made by the hon. Gentleman with which I agree, and that is, if the House is really to take notice of the Commercial Treaties which are likely to be negotiated within the next few months or years, now is the time to speak out. The Government will be happy to hear, not only what Members of this House, but what persons versed in commercial mat-

ters throughout the country, may have to say upon the subject. I think it would be well for the House to reflect upon the character of Commercial Treaties generally. If the House will allow me, I will state in a few words my own opinion with respect to them. There are two kinds of Commercial Treaties—one which contains the "most favoured nation clause," and the other, which is a general tariff Treaty. For many years past, foreign nations have made two kinds of tariffs—first, a general tariff, relating to all nations; and, secondly, a conventional tariff, which covers the importation of goods from countries with which they have Treaties or Conventions. Unless a nation has made a Treaty containing a "most favoured nation clause" with those countries, it will be treated under the general tariff, and not the Convention tariff. Then, with regard to tariff Treaties, England has but one—the Treaty of 1860—of which we have heard so much to-night. That Treaty, as we all know, was passed in consequence of the desire shown by France, in 1860, to relax her Protectionist policy. But after that Treaty had been concluded with France, others were made with Holland, Belgium, and other nations, all framed on the model of the Anglo-French Treaty. The consequence which immediately followed was a general lowering of tariffs all over Europe. The advantage derived therefrom by this country was not merely the advantage it derived from the increase of its commercial intercourse with France, but the advantages derived also from these other Treaties with other nations, from all of which we received the most-favoured nation treatment. In measuring, then, the advantages which we obtained by the Treaty of 1860, we must not only consider the advantages we gained by the lowering of the tariffs in France, but we must also take into consideration the advantages derived by our export trade all over the Continent under most favoured nation Treaties which we have with all European Powers except Spain. I do not think it is necessary for me to expatiate on the advantages which this country gained by that Treaty, because a very few figures will show the enormous increase in our trade since 1860; and statistics will speak far more eloquently than I can do on this subject. I will

take three periods—the year 1859, before the Treaty was negotiated, and the years 1866 and 1877, after it. The value of the goods exported from the United Kingdom to all parts of the world in 1859 was £130,000,000; in 1866 it was £188,000,000; and in 1877 it was £199,000,000. Next, taking the particular tariff countries—Belgium, France, Germany, Holland, and Italy, we exported to them, in 1859, £26,000,000; in 1866, £45,000,000; and in 1877, £47,000,000. Contrast that with the trade to the three non-Treaty countries—Russia, Spain, and Portugal. In 1859, our exports to them were £7,119,000; in 1866—five years after the Treaties with these other countries—it was £7,258,000, or very nearly stationary; and in 1877, £6,190,000. That shows the enormous difference between the Treaty and the non-Treaty countries. In the non-Treaty countries we have an almost stationary condition of trade; while in the tariff Treaty countries we have, as I have shown, a very large increase. Next, let me give a few figures of the imports into the United Kingdom. In 1858-9-60, the imports into the United Kingdom from France averaged, in round numbers, £16,000,000. For the three years—1875-7—they were £45,000,000, an increase of nearly 200 per cent. The exports of domestic produce from this country to France in the years 1858-60 averaged about £5,000,000. In 1875-77 they averaged more than £15,000,000, an increase of 300 per cent. I think these figures are the best answer I can give with regard to the success of these Treaties. There can be no doubt that things are in a very unsatisfactory state in foreign countries, for it is quite clear that Protectionist theories are making progress in many nations. I cannot feel, for one moment, that that is any reason for retracing our steps; and, on the contrary, I believe that the great Free Trade theories are growing stronger and more powerful every day in this country. I do not know whether it is the result of universal suffrage or not; but I am rather inclined to think that universal suffrage does at first tend to Protection, and until the voice of the consumer makes itself heard, I think it is very likely we shall see a continuance of those theories. But what would be the position of England if the Treaty

with France were to lapse? We should have to submit to about 20 per cent higher duties being imposed on our exports all round, for we should simply be put under the new general tariff, which, though it did not promise to be so objectionable as the existing one, would certainly be far less favourable to our traders than the existing Convention Treaty. There are other topics raised by the hon. Member, such as shipping, into which I need not go; but there can be no doubt of one thing—that Commercial Treaties do insure what commercial men, above all things, require, even above low duties, and that is certainty. Under the Treaties, commercial men are able to make their contracts and their orders in advance, which is what is to them absolutely necessary. I know, from interviews I have had with various gentlemen every day, that there are persons who are at this moment suffering from the present uncertainty about the French Commercial Treaty, because they do not know what the French tariff will be six months hence. As I have already said before, the negotiations with respect to the new Treaty are going on; but the French Government, as is very natural from its point of view, says that it is impossible for it to enter into any negotiations with regard to a special tariff until they have settled what their general tariff is to be. That general tariff is now before the Legislature; and I am afraid it will be some time before its discussion is concluded. The arrangement which they have offered—and which I certainly think we shall accept—is that the present Convention shall continue for six months after the promulgation of their general tariff. That is the arrangement which has been proposed to us, and which we shall probably concur in. When the arrangements for the general tariff are concluded, we shall thus have six months after that for negotiation; and I do not think that these legislative changes in France will take place very rapidly, so that this country will have plenty of time to look round. With regard to two or three observations which were made by the hon. Member for North Warwickshire (Mr. Newdegate), I would say, in the first place, that it is no duty of mine here to-night to defend the exact procedure followed in the Treaty of 1860. It may very well be that it would have been better to have given a longer

Mr. Bourke

time before all the Budget arrangements were made. But, then, that Treaty was made by Mr. Cobden taking advantage of the particular disposition of the Emperor of France just at that time, and he was anxious to get the Treaty concluded as speedily as possible. Considering the enormous amount of detail gone through, I do not think the negotiations took a very long time. Perhaps it would have been better to have proceeded by Resolution, as was done in the case of Mr. Pitt's Treaty of 1787, and that, undoubtedly, would have given the House a greater opportunity of discussing the details. But that is not a matter before us now. There is no reason why the House should ever abandon the functions it possesses of considering Commercial Treaties; but that, again, is a very different thing from binding the House in the way proposed by this Resolution. Parliament, in fact, has already practically full control whenever any Customs duty is proposed to be altered, so that in all tariff Treaties the House has full control. Considering what the Forms of this House are, I do not think it is ever very likely that any Commercial Treaty would be carried without the House having many opportunities of giving an opinion on the subject generally.

MR. JOHN BRIGHT: The House had the figures before them in that very Treaty.

MR. BOURKE: No doubt; and, certainly, in 1860, there were many divisions, both in this House and, I think, in the House of Lords. Certainly, there were many long debates in both Houses. I can quite understand that it is possible that a Treaty can be made which it would not be formally necessary to bring before this House; but I do not think there is any danger of that occurring in a way to preclude Parliament from giving its opinion. Another objection to my hon. Friend's Resolution is that it would be perfectly impossible for this House to negotiate the details of any Treaty. Anybody who knows what it is to negotiate a Treaty, even on one particular article, knows what it is, and how awkward, how perfectly impossible, it is for this House to negotiate any one particular portion. Much less, of course, could that be possible in regard to the whole tariff. It is, of course, all very well to lay down the rule that you

can make a better Treaty here in this House than you can by negotiations outside.

MR. NEWDEGATE: I expressly guarded myself against that assumption. I especially said that that was not our function.

MR. BOURKE: I am very glad to be corrected by my hon. Friend. It is not what we think a good Treaty that has to be aimed at. You have to aim at something which both sides will think a good Treaty, and to attain that there must be give and take. This House cannot, in fact, enter into all the intricacies of these negotiations; and if it did, it would strike a deep blow at Ministerial responsibility. That is a principle which we should strive at every point to maintain. But this Motion takes it away from Ministers, both in regard to negotiating a Treaty, and in regard to the way in which it is to be carried out. Under these circumstances, I am afraid Her Majesty's Government cannot agree with this Resolution. At the same time, I agree most thoroughly with my hon. Friend that this question is very well worth consideration; and now that new Treaties are likely to be made with foreign Powers, I think the more that this question is considered, in and out of the House, the better.

MR. NEWDEGATE confessed that he did not quite understand the answer which the hon. Gentleman the Under Secretary of State for Foreign Affairs had given him; for he had certainly never said that it was the function of the House of Commons to negotiate a Treaty. As the existing state of the negotiations, it appeared, from what the hon. Gentleman said, were in suspense, until the tariff of France had been formulated, it was, therefore, perfectly in vain to ask for further information. With the permission of the House, he would for the present withdraw his Motion, upon the understanding that any Treaty that might be negotiated would be submitted to the House in accordance with Constitutional precedent.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*, at Two of the clock.

VALUATION OF LANDS AND ASSESSMENTS (SCOTLAND) BILL.—[BILL 144.]

(The Lord Advocate, Mr. Secretary Cross.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. J. G. HUBBARD said, he strongly objected to the progress of this Bill, for, as he read it, its principles were entirely opposed to those rules of valuation now in force in England.

THE LORD ADVOCATE (MR. WATSON) replied that the matter was very easily explained. Section 37 of the Poor Law Act of 1845 provided for a particular mode of valuation and assessment. In 1854, the Valuation Act for Scotland was passed, and that had since been amended by several Statutes, which provided a general mode of valuation, on which all local taxes other than poor rates were now levied in Scotland. But certain Railway and other Companies assessed under the Act of 1845 were in the habit of disputing the valuation of their undertakings for the purposes of the poor rate, and the result had been to lead to much litigation and expense. The only object of the Bill was to do away with this exceptional legislative enactment, which had proved most expensive and detrimental, and to allow these properties to be assessed on the same basis as all others. Whether it was necessary to amend the present Valuation Act was another question, into which he would not now enter. His only object was to remove the expense and anomaly at present created by the difference between the two Acts.

MR. J. G. HUBBARD said, in England properties were first assessed on their actual rent, or annual value, and subsequently, according to their nature, were subjected to certain deductions, so as to bring out the actual rateable value. In Scotland, although the same principle had been enacted by the Legislature, it had never been carried out with the same care and precision as in England. The last Report on this subject recommended that the system pursued in Scotland should be assimilated to the system pursued in England. Of course, he was aware that it would save money and trouble not to carry out the English system; but it was the only scientific means by which they could arrive at the

true rateable value; and unless the Government really proposed to have one system in Scotland and another in England, he could not understand how they could expect this Bill to pass. After hearing the explanation of the Lord Advocate, he was more than ever convinced that the Bill was an undesirable one, and, therefore, he would move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. J. G. Hubbard.)*

THE LORD ADVOCATE (MR. WATSON) said, that in every county and in every borough in Scotland there was an annual valuation roll made out, according to the terms of which all taxes were to be levied, and the electoral roll was made up. That was found to be a safe and speedy and cheap form of obtaining the valuation upon which taxes should be levied. But there was one single exception to that system—the poor rate was not levied upon that valuation. The Poor Law Boards throughout Scotland, who were intrusted with the compilation of the roll for the purposes of the poor rate, had found that Railway Companies had caused them a great deal of trouble and expense, and they were most anxious to adopt the ordinary valuation roll as the basis of assessment for the poor rate. If the general system were to be altered, that must be done by an amendment of the Act of 1854. By opposing the present Bill, the right hon. Member for the City of London insisted upon the Parochial Boards being involved in litigation and expense, instead of taking the course which they wished to pursue. In 1870 a Select Committee of that House reported in favour of that which was now proposed to be done by this Bill—namely, that the anomaly should be abolished between two different valuations existing together for the purpose of taxation. There was no question raised here except whether the anomaly that now existed should continue in force, and whether there should be a separate valuation for a single local rate which was the occasion of difficulty and expense to the ratepayer.

MR. J. W. BARCLAY said, that last year several deputations came up from Parochial Boards in Scotland, and they

assured many of the Scotch Members that this clause to which the learned Lord Advocate had referred was the subject of a great many conflicts with the Railway Companies in Scotland, and that they were very anxious that this Bill should pass. As there was great unanimity in this matter, he hoped that the right hon. Gentleman would withdraw his Amendment.

MR. J. G. HUBBARD said, that this was a most important matter. The principle of these deductions was well established. It was recognized that there should be a deduction of 5 per cent from the gross annual rental in the case of land; whereas in the case of houses they were subject to 20 per cent deduction. If this system were abolished, house property would suffer to the extent of 15 per cent. If the deduction were allowed to be abolished in Scotland, it would be said that, in justice and common sense, the same rule must be applied to valuation in England. If the Lord Advocate would insert the 37th clause of the Act of 1854, he would not object to the Bill; for he quite admitted that railways and canals were of an exceptional character, and required exceptional treatment. He objected to any treatment of houses and canals different to the system which was being pursued in the Valuation Bill for England now before the House. He could see no reason why they should pass in the same Session two Bills—one regulating the valuation of land and houses in England, and subjecting them to the deductions of from 5 to 20 per cent in order to arrive at their rateable value, while in Scotland the same thing should not be done.

SIR GRAHAM MONTGOMERY observed, that in Scotland they desired to get rid of the anomaly of the local rates being levied on two different valuations, as it was found to be a great practical inconvenience. It was to remove that anomaly—in the desirability of which all parties were agreed—that the present Bill was introduced.

MR. FORTESCUE HARRISON remarked, that all Scotch Members were agreed as to the desirability of this Bill becoming law.

THE LORD ADVOCATE (MR. WATSON) said, that the Scottish people were very amenable to reason in questions of taxation, and he did not think there

was any desire on their part to bear an undue share of burdens. But for several years past the Parochial Boards and the ratepayers throughout the country had experienced great difficulty and inconvenience from having a separate basis of assessment for the poor rate; and they had come to the conclusion that it cost them a good deal more out of pocket to keep up the two valuation rolls than it would to put the poor rate upon the same footing as their other local taxes.

MR. PAGET wished to take an opportunity of saying that he did not consider that, because a Bill was brought in for Scotland affirming a certain principle, it at all followed that the same principle was to be introduced into England. He liked Scotch Members to settle their own affairs in their own way; in England, they had always worked on a different system, and they considered that they had done so with good reason. In rating houses and land, they had held that if they were to rate them upon the gross value an injustice would be committed. House property, it was felt, required deductions from the gross rental, which did not apply in the case of land. And in the Bill now before the House for the valuation of land in England was laid down a scale which made a considerable difference between the deductions in the case of lands and the deductions in the case of houses. He thought it was right that when the English Bill came on for discussion Scotch Members would do them the justice to allow them to manage their business in their own manner.

MR. J. G. HUBBARD said, this was a question affecting the increase of taxation in Scotland, and if the principle of the Bill now before the Committee were adopted the same arguments would be applied to England. If Scotland was to be dealt with absolutely separate from England, and was not to be taken as a precedent, he should have nothing to say; but he saw now, plainly, that in giving their sanction to this arrangement they were permitting an argument to be raised against themselves for the application of the same principle to England. It would be said that "what you have done for Scotland you cannot say is wrong in England, and you must collect your Queen's taxes upon the gross annual value, instead of upon the rateable net

value upon which they ought to be levied." For these reasons, he should press his Amendment, unless the Government postponed the consideration of the Bill until the English Valuation Bill was brought on.

Motion negatived.

Clauses 1 to 4, inclusive, *agreed to.*

Clause 5 (Repeal of s. 37 of 8 & 9 Vict. c. 83, and s. 3 of 30 & 31 Vict. c. 80).

MR. J. G. HUBBARD said, that this clause was one in which a proper equitable provision ought to be inserted. There was no doubt that assessments ought to be made upon the rateable value, and that proper deductions ought to be made in accordance with a scale. It was the laziness of the Scotch which prevented their adopting the scale recommended by Parliamentary Committees. He, therefore, begged to propose that it be inserted in that part of the Bill.

Clause agreed to.

Clauses 6 to 8, inclusive, *agreed to.*

Clause 9 (Amendment of 37 & 38 Vict. c. 20).

SIR GRAHAM MONTGOMERY moved, in page 3, line 26, to leave out from "if," inclusive, to end of clause.

Amendment agreed to.

Clause, as amended, agreed to.

SIR WINDHAM ANSTRUTHER moved, in page 3, after Clause 8, to insert the following clause:—

(As to ascertaining the annual value of mines and minerals.)

"The yearly rent or value of all mines and minerals and of the works connected therewith shall be ascertained in manner following (that is to say): all surface and underground works, shafts and adits, engines, machinery, plant, tramways, private railways, canals, and railway sidings connecting such mines with any railway or canal constructed or maintained under the authority of any Act of Parliament, or with any public river by which such minerals are conveyed, or with any works at which such minerals are manufactured; and all land and buildings (not being dwelling-houses or workshops) occupied in connection with and for the purposes of such mines and minerals, shall be regarded as part of such mines and minerals and included in the valuation thereof, and the yearly rent or value of such mines and minerals including as aforesaid shall be calculated in each year at the rate of _____ per cent. of the lordship paid for the quantity of minerals gotten from

such mines in the immediately preceding year, or (where such minerals are not let) of the fair letting value thereof in the same parish."

He said that railways were increasing, whereas mines were always decreasing in value. For that reason, he proposed the insertion of this clause; and he proposed to insert 25 per cent of the lordship paid for the minerals as the criterion of the yearly rent. The clause was in accordance with the principle which had been adopted with regard to railways, and evidence was given before the Select Committee on the Valuation of Lands and Assessments Bill of 1870, which made out a stronger case for relieving mines than railways.

THE LORD ADVOCATE (MR. WATSON) said, that he could not accept this clause, which would make an entire change in the system of rating. In the case of railways they were compelled to resort to a very artificial system of valuation, for they were obliged to value them in a very special manner, because they were situate in a great many parishes. So they had resorted to the system of taking the railways as a whole; and, after making proper deductions for the expenses of working, they had assessed the annual value of the railway, and then they divided the amount so found amongst the different parishes through which the railways ran according to mileage. That, no doubt, was an artificial system; but they had been compelled to adopt it for want of a better. He did not think there was any reason for adopting the same principle with regard to mines; for, if they did, in all similar cases—such as iron-works and other descriptions of property—artificial systems would have to be adopted which would make wholesale changes upon the Act. Railways were rated exceptionally under Clause 37 of the Act of 1854.

Amendment negatived.

House resumed.

Bill reported; as amended, to be considered upon Thursday.

GREAT SEAL BILL [*Lords*].—[BILL 180.]

(*Mr. Attorney General.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Attorney General.*)

Mr. J. G. Hubbard

SIR WILLIAM HARCOURT said, that he should like to know something about the Bill, inasmuch as it contained certain clauses in red ink, indicating an addition to the National Expenditure. He could not understand the meaning of the 5th clause of the Bill, in which it was stated—

“Whereas by the Great Seal (Offices) Act, 1874, all duties and powers required to be performed by or vested in the purse-bearer to the Lord Chancellor (including the duties of chaff wax, sealer, and deputy sealer) are required to be performed by and vested in the Gentleman of the Chamber attending the Great Seal and it is expedient to amend the said enactment: Be it therefore enacted as follows:—

The said duties and powers, so far as they relate to passing documents under the Great Seal, shall, as the Lord Chancellor from time to time by order directs, be performed by and vested in the Gentleman of the Chamber attending the Great Seal, or in the officer performing the duties of Messenger to the Great Seal.”

That, so far as he could see, made no particular difference in the state of things that now existed; only the next paragraph, which was in red ink, enabled this Gentleman of the Chamber to receive an additional salary for doing the duties he had already to perform. A few years ago, they had endeavoured to get rid of the expenditure upon some of these useless offices. Amongst the offices which had disappeared, he was happy to say was that of a lady, who was called “the embroideress,” and who enjoyed a considerable salary. The Bill spoke of a gentleman called the “chaff wax, the sealer, and the deputy sealer.” But he had already been appointed, and received a salary of £400 a-year, with an additional £100 for discharging the duties of purse-bearer. But, by the clause in red ink, the Lord Chancellor was to be allowed to give him such additional salary or remuneration as he pleased. Thus the public were to be called upon to pay an additional salary to the officer performing the duty of messenger to the Great Seal, who had already £400 a-year, and an additional £100 for discharging the duties of chaff wax and messenger to the Great Seal. Thus a provision was made for increasing such sums, and the Secretary to the Treasury was responsible for a Bill accumulating salaries upon the chaff wax, sealer, and deputy sealer, and officers, whom the public knew nothing at all about. It seemed to him that it

was nothing more than a job. Everyone, who knew anything about the matter, knew the persons who received these salaries were those who had held confidential posts in the household of the Lord Chancellor at former periods; and the object of the Bill was to enable the Lord Chancellor to give them such sums as might appear right to him. He should certainly oppose this Bill, until he knew something more about it.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that his hon. and learned Friend seemed to think that this Bill was intended to increase the Expenditure of the country; that was not the case, for one great object of the Bill was to abolish an office that had hitherto been occupied at considerable expenditure. A short time ago, there was an officer who was called “Clerk to the Attorney and Solicitor Generals. All patents, upon passing under the Great Seal, were prepared by the Clerk to the Attorney and Solicitor Generals, and for doing this he was paid by fees. The duties which that officer was called upon to perform were not very onerous, and by no means complicated; but these warrants for the passing of letters patent being very much alike, their preparation did not involve any great amount of trouble—the trouble, if trouble there was, devolving upon the Attorney and Solicitor Generals. This officer was in existence at the time his hon. and learned Friend occupied the post of Law Officer, although he did not seem to be acquainted with him, possibly because he was so occupied in the Office he filled that he had not become thoroughly acquainted with all under him. The occupier of that office had recently died; and it had been thought right to abolish the office altogether, with the consent of the Attorney General and the Solicitor General, and to confer the duties of the office upon the Clerk of the Crown in Chancery, who, according to this Bill, was not to get any additional remuneration for performing those duties. In other respects, the duties of the office would be performed as hitherto; and if any warrant for the passing of letters patent was required to be prepared, it would be sent to the Law Officers of the Crown to be settled by them. With reference to the other officer to which his hon. and learned Friend had directed attention—the office of purse-bearer,

including the duties of the chaff wax, sealer, and deputy sealer—there was, in fact, no chaff wax, sealer, or deputy sealer. The duties of the office were to be transferred to officers to be nominated by the Lord Chancellor, in accordance with the Great Seal (Offices) Act, 1874; and, in order to carry out the provisions of that Act, this clause had been inserted in the Bill, by which all the duties and powers to be performed and vested in the purse-bearer to the Lord Chancellor, including the duties of the chaff wax, sealer, and deputy sealer, were to be performed by the Gentleman of the Chamber attending the Great Seal, or upon the officer performing the duties of messenger to the Great Seal. The object of that was to diminish the expense of these offices. The officers mentioned, as would be seen by referring to the Great Seal Act of 1874, had already certain duties to perform; and he would find that that Act provided that the additional duties in question were to be performed by gentlemen nominated by the Lord Chancellor. They were to be paid out of the money provided by Parliament, and the officers so performing the duties were to receive such additional salary as the Treasury, on the recommendation of the Lord Chancellor, should see fit and proper to allow. It was only right, when extra offices were thrown upon an officer, who had at present a great many duties to perform, that some slight increase to his salary should be made. For that reason, it had been thought right to insert the present provision in the Bill, enabling the slight increase to be made, on the recommendation of the Lord Chancellor to the Treasury, and the Treasury would then grant it. The hon. and learned Gentleman might be quite sure that no additional salary would be allowed by the Treasury, unless it were absolutely necessary.

Motion agreed to.

Bill read a second time, and *committed for Thursday.*

INDIAN MARINE BILL.—[BILL 182.]

(*Mr. Edward Stanhope, Mr. John G. Talbot.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Edward Stanhope.*)

The Attorney General

MR. WHITWELL said, that no explanation had been given the House with regard to this Bill. So far as he could see, the Bill proposed to give the Governor General powers similar to those in the Mutiny Act, and for a certain branch of the Service, called the Indian Marine Service, including a great many persons, some of whom might be considered ordinary labourers. Power was given to inflict exemplary and speedy punishments, and some of the punishments were very heavy, and some were of a very light character. The Bill gave the Governor General power to authorize these laws to be put in force before receiving instructions from England; but they were to be repealed, if disallowed. With the exception of death, nearly all the punishments might be inflicted upon a British subject born in England. The Bill also gave power, under these laws, to punish by death Natives of India. Powers to inflict penal servitude upon British subjects, with the sanction of the Government at home, were also given. Therefore, he thought that this Bill was one of the most serious character, and that it should not be read a second time at that hour. He should move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned." (*Mr. Whitwell.*)

MR. E. STANHOPE said, that the Bill was of a very simple character indeed. It contained powers exactly similar to those which had been in force a great many years, by which the Government of India was empowered to make regulations with regard to persons serving in the Marine Service. The Indian Navy was abolished; but it had been subsequently found, after very careful inquiry, that it would be necessary for India to have under its own control a few vessels for local purposes. For that reason, the Government of India had authorized a small Marine Service; but they had no power, as the matter stood, to enforce any discipline in the Service. For that reason, they proposed to give to the Governor General, by this Bill, power to regulate the Service. There was nothing peculiar in the Bill, and any regulations made under it were not to be enforced if the Secretary of State disallowed them. That was all it was necessary to say

upon the subject; the hon. Gentleman, therefore, would see that the Bill was of a simple character.

MR. BARING inquired whether the powers were given to the Governor General, or to the Governor General in Council, to make regulations under the Act?

MR. E STANHOPE observed, that the phrase used of the Governor General in Council was the one always made use of in Acts of Parliament.

SIR WILLIAM HARCOURT was surprised that this Bill should be taken so late at night. It was not the annual Mutiny Bill for India—that had been repealed. This was a new Bill, and he did not think that it should be taken at that time.

MR. ONSLOW thought that some further information should be furnished by the Under Secretary of State for India with regard to the state of this Marine. The Indian Marine was abolished some years ago, on the understanding that Her Majesty's Navy should undertake all its then duties, and the Indian Government agreed to pay about £70,000 a-year towards the expenses of the Navy. Now, it seemed that the Indian Marine was to be established on its old footing; and it appeared that many of the duties which ought, in his opinion, to be performed by Her Majesty's Navy were to be thrown upon the Indian Marine. He thought that they should be told the reason for this expenditure, and the necessity for an Indian Marine co-existent with Her Majesty's Navy in Indian waters. If this Bill were to be extended to a great extent, he thought it would be in the interests of the Indian Exchequer that it should be opposed.

MR. DILLWYN thought that such a Bill as this should be taken in a full House.

THE CHANCELLOR OF THE EXCHEQUER consented to the adjournment of the debate.

Question put, and *agreed to*.

Debate *adjourned till To-morrow*, at Two of the clock.

TERMS OF REMOVAL (SCOTLAND) BILL.

On Motion of Mr. MONTGOMERIE, Bill to provide for uniform Terms of Removal from lands and houses in Scotland, *ordered* to be brought in by Mr. MONTGOMERIE, Sir WILLIAM CUNINGHAM, Mr. MACKINTOSH, and Sir WINDHAM ANSTRUTHER.

Bill presented, and read the first time. [Bill 189.]

COSTS TAXATION (HOUSE OF COMMONS)

BILL.

On Motion of Mr. RAIKES, Bill to amend "The House of Commons Costs Taxation Act, 1847," *ordered* to be brought in by Mr. RAIKES and Mr. MOWBRAY.

Bill presented, and read the first time. [Bill 190.]

House adjourned at
Two o'clock.

HOUSE OF LORDS,

Tuesday, 20th May, 1879.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Tenant Right (Ireland) (35), *negatived*.

Committee—Report—Public Health (Scotland) Act, 1867, Amendment * (78); Omnibus Regulation * (41-87).

Third Reading—Local Government Provisional Orders (Ashton-under-Lyne, &c.) * (79), and *passed*.

INDIA—DISTURBANCES IN BOMBAY.

OBSERVATIONS. QUESTION.

THE EARL OF CARNARVON: I wish to put a Question to the noble Viscount the Secretary of State for India, of which I have given him private Notice, on a subject of great importance, mention of which has again been made in the newspapers this morning. For some days past, very strange reports have appeared in the newspapers of grave disturbances which have taken place in the Presidency of Bombay, in the Deccan, and of incendiary fires near Poonah; and, in the papers of yesterday, there was a more detailed account. It was reported that the magistrate's court, and other public buildings, had been fired, that large bands of armed Dacoits were marauding the country, and great loss of property has ensued. Lastly—which is a very remarkable circumstance—a manifesto is said to have been put out by some of these bands, in which there are not only statements made as to the great distress of the country, the severe pressure of taxes on the people, but a reward of 1,000 rupees is placed on the head of the Governor, Sir Richard Temple, unless he complies

with their demands. The state of things is no doubt serious. It is impossible to say quite what it means, and what causes have produced it—whether these are merely armed bands, or bands acting in concert and sympathy with the population; but I believe that it is almost unprecedented in Indian history in our day that such a manifesto should be issued threatening the life of the Governor of one of the British Provinces. I shall be glad to hear from my noble Friend, Whether or not these statements are correct, and whether he can throw any light upon the subject?

VISCOUNT CRANBROOK: There can be no doubt that great distress prevails in the Deccan; and I have, in private letters, received accounts of that distress. It is also true that within some weeks past, to a certain extent, the Dacoits have committed numerous robberies and other outrages; but I have no knowledge of the particular transactions reported in the newspapers within the last few days—though I think them not unlikely, inasmuch as it has been reported that bands of Dacoits have been traversing the Provinces and committing outrages to a certain extent. Seeing such detailed accounts in the newspapers, I telegraphed this morning to the Governor of Bombay asking for information; but I have not as yet received a reply. The latest accounts which I received by last mail conveyed the intelligence that although bands of Dacoits had been traversing the country, the Deccan was quieter, and that things seemed to be settling down.

TENANT RIGHT (IRELAND) BILL.

(*The Earl of Belmore.*)

(NO. 35.) SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF BELMORE, in moving that the Bill be now read a second time, said, he desired to explain what the Bill proposed to do, and endeavour to remove some misapprehensions which existed with regard to it, and then he would explain some two or three Amendments which he desired to introduce into it in Committee, if the Bill should reach that stage. The noble Viscount sitting near him (Viscount Lifford) had given Notice of his intention to move the rejection of the Bill. That, he thought,

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was much to be regretted; but as he believed this step was founded on certain misapprehensions, he would now endeavour to remove them. The Bill, if amended in accordance with his views, would be practically the same as that introduced by Mr. Mulholland, the Member for Downpatrick, in the other House some time ago, but which did not reach this House. The Bill, so amended, would not work any alteration in the present state of the law affecting land in Ireland. It would simply be a declaratory Bill, intended to clear up a point which caused a considerable amount of useless and vexatious litigation in Ireland. At the time when the Land Act of 1870 was passed, the Government considered that in legalizing the usages of the Province of Ulster, they were not only legalizing tenant right in the case of tenants from year to year, but also in the case of tenants holding by lease. But after the Land Act became law, it was questioned whether this was so, and more than one decision was given in opposition to the views of the Government. He himself believed that those views were correct—an opinion in which he was fortified by the expressions of the noble and learned Earl on the Woolsack, and of the noble and learned Lord the then Lord Chancellor of Ireland (Lord O'Hagan); and since the Bill had been laid on the Table of the House, one of the Judges of Assizes in Ireland had given judgment in a case in the same direction as that to which the Bill pointed. The Amendments which he wished to introduce into the Bill were of two kinds. There were certain words in the Bill which, if they were allowed to remain unqualified, would extend the operation of the measure beyond the Province of Ulster. The words to which he referred were not within the scope of the Preamble of the Bill, which expressly pointed out that the Bill was intended to apply in the case of the usages of Ulster. He proposed, therefore, that all such words in the 2nd section of the Bill as would extend the operation of the measure beyond the Province of Ulster, as well as the words "or other usages analogous thereto," to be found further on, should be struck out of the Bill. He had no desire to legislate in the dark for the other Provinces, and it would only lead to confusion to introduce this custom

in places where it did not previously exist. His next Amendment was of a different character. The 2nd clause of the Bill ran at present as follows:—

"In the case of any claim under the 1st section of the principal Act in respect of a holding which, if it had been held from year to year, would have been subject to the usages known as the Ulster tenant-right, the persons entitled to sustain such claim shall be entitled to do so, notwithstanding that the said holding may be held under a lease that shall have expired."

To these words he proposed to add the following:—

"Unless the landlord shall give satisfactory proof that it has not been the custom on the holding, or on the estate of which such holding forms a part, to allow the benefit of the said custom or usages at the expiration of such lease or leases."

A judgment by Lord Mansfield had more than once been quoted, in which that eminent Judge had laid down "that custom should override covenant." This principle, though it might be correct law, should not, he maintained, be allowed to stand in the way of the measure before their Lordships. To those familiar only with the customs of England and Scotland, it was difficult to understand the operation of the Land Act; but their Lordships would understand that, in the case of Irish tenant right, they were not dealing with one interest only, but with two—namely, the interest of the landlord, and that of the tenant, which was legalized by the Act of 1870. Under the Act, as he understood it, the landlord had a right, at the close of the lease, to re-consider the value of the holding, and to re-let it at the full market price; and the tenant, on the other hand, having the right to compensation if he were disturbed, or to remain at a fair rent. His noble Friend (Viscount Lifford), last year, had referred to the case of Lord Leitrim; but it was well known that that noble Lord had a good deal of litigation with his tenants, and, no doubt, had sometimes to pay a large amount in compensation. The amount of compensation, whether it was small or large, did not affect the principle of the case at all. He did not think that if his noble Friend succeeded in his opposition to the Bill he would improve the position of the landlords of Ireland. His noble Friend had had a very long experience as an active landlord in the North of Ireland;

and he asked him whether he thought that many years would elapse before, in some manner or other, this matter would be settled, and whether a postponed settlement was likely to be in the interests of the landlord? He was himself aware that on many estates in the North of Ireland the principle which the Bill would establish prevailed. He would only mention those of Lord Downshire, one of the largest in Ireland; of the Duke of Abercorn, whose liberality to his tenants was well known; and of Lord Londonderry, who had hoped to be present to support the Bill. He earnestly asked their Lordships to give a second reading to the Bill, and not, by rejecting it, to inflict a heavy blow and a sore discouragement on those who were willing to be their landlords' friends, if they would only let them.

Moved, "That the Bill be now read 2^a."
—(*The Earl of Belmore*.)

VISCOUNT LIFFORD, in moving that the Bill be read a second time this day six months, said: I have heard it reported that it was said in "another place" by a Conservative of a Tenant Right Bill introduced by another Conservative—"This Bill is not to be considered harmless on account of its insignificance." If my noble Friend will not be offended, I will say the same of the Bill before your Lordships. If you will look back to the history of Ireland, you will see that it is, with few exceptions, a course of sacrifice of great principles for temporary and often paltry ends. This Bill is not an exception. It proposes to sacrifice a great principle of English law, laid down by Lord Mansfield, that a custom shall not override a covenant for some advantage, which no one has asked for, about which few people care, and which, as seems to me, is not altogether patent on the surface of the Bill. The first case, to the circumstances of which the Bill before your Lordships would apply, was a curious case—"M'Noon v. Beauchere"—in the County of Down. There a very old lease of land close to the landlord's residence expired. The landlord wished to take the land, or some of it, into his own hands; and the County Court Judge awarded £1,400 against the landlord as tenant right, or something about £20 an acre. This dropped through, as I understand, from some informality.

Then came a case of "*Austin v. Scott*," in the County of Derry, which was decided by Chief Justice Monahan in accordance with the principle of this Bill, but was appealed, and the appeal was not heard in consequence of the death of one of the parties. Then came a case—Lord Ranfurly and Murphy—in Tyrone, and that was decided by the County Court Judge in accordance with this Bill; but that decision was reversed on appeal. It is, therefore, unfair to state in the Preamble of this Bill that doubts have arisen, because in no instance has a case been determined in accordance with this Bill, and one has been determined against it. Notwithstanding, it may perhaps be said, as it has been said, that what your Lordships are asked to do now was done by the Act of 1870. If so, which of your Lordships was aware that you were then abrogating without protest, without notice, a fundamental principle of English law? Judge Barry, then Attorney General, said, in supporting the Bill of 1870—

"No human being ever felt disposed to deny that if persons entered into a contract it was their duty to abide by it. Nobody ever questioned the doctrine that if a man took land for a certain number of years under a lease, he was bound to quit at the end of the term without notice."

Sir Roundell Palmer, now Lord Selborne, said—

"The retrospective part" [of the 3rd clause] "applicable to present tenancies, left all leases for fixed terms exactly as they stood by law, so that there would be no claim against the landlord upon the termination of any existing lease."—[3 *Hansard*, cc. 1536.]

These are the statements on which your Lordships passed the Act of 1870; and if your Lordships were to pass this Bill, you would make a greater inroad on the principle of English law and English equity than this Act ever did. And now I hope you will bear with me while I refer to the Land Act itself, with a view to showing the danger, the injury to Ireland, of further extension of it. In the first place, I am ready, in the barren, but somewhat populous district in which I live, loyally to make the best of it. There is much that is valuable in it, especially the "Bright Clauses." A Land Act was necessary; and I have, long before Mr. Gladstone took it up, urged in your Lordships' Committees that the tenant on eviction should be compensated for everything he or his predecessors had expended on the land, the presumption

to be in favour of the tenant, failing proof to the contrary. But the Land Act, while it did not give so much to the tenant as that would have given, looking to the whole of Ireland, went far beyond it in the invasion of the rights of property, and that on no fixed principle whatever; so that to a people brought up as the Irish people were, half-a-century ago, to believe that the land was theirs and not the owner's, it was like giving blood to a tiger, though the Irish people have, for the most part, endured the trial with a marvellous patience. Still, here are some of their demands which, if this Bill be passed, will, of course, apply to the termination of a lease—

"The Act of 1870 has been tried now for three years, and its very framers must admit that it has utterly failed to accomplish the end for which it was passed—namely, the protection of the homes and properties of the Irish farmers. Therefore, it takes its place among the other abortive attempts that have been made for the last 16 years to solve the Irish difficulty. Nothing will or can meet the case but fixity and valued rents, with right to sell."

At a meeting held in Maryborough in 1873—there were 10,000 people present—the following resolution was passed:—

"That we insist on perpetuity of tenure, valuation of rents, and free sale, as the only just settlement of the Land Question."

Let the landlord do what he likes with his own demesne; but one of the speakers denied that the land in the occupation of the tenant was his. The speaker asked—

"Is not the whole country in a state of dismay, irritation, and alarm, because of a Land Act, which is as huge a piece of treachery as was ever permitted to see the light? The electors asked for an Act which would secure them in their tenures, which would give them a right to property erected by their industry, and which would enable them to either hold, bequeath, or sell that property at pleasure, and what is the nature of the Land Act which these Representatives have had the assurance to dictate to them, and as to which Bumbledom has vomited so much? Why, it is an act of treachery, which has hardly a single redeeming clause annexed to it."

I have read enough to show your Lordships that the violation of the laws of property has produced its natural effect, and that the scent of spoliation has encouraged demands of which the framers of the Land Act never dreamed. And now my noble Friend steps in with his little drop of blood, infinitesimally small and worthless in the opinion of the Irish tenant, but, in principle, a greater

breach of the laws of property than anything in the Land Act, and lays it in the track to what? Here are the words of a man who, in his outspoken, fearless utterances, was a truer friend to the Irish tenant than any of those who cajoled him or deceived him—the present Chief Secretary for Ireland. He said—

“Well, the hon. and learned Gentleman asked me to go further, and to say that this custom should be extended to districts and estates upon which it does not now prevail. To that I reply, unhesitatingly, that if we begin *de novo* I cannot conceive any worse system upon which land can be held than that which is known as the Ulster custom. What is that custom? Why, as I said the other day, it is simply a device for locking up the capital, which otherwise ought to be spent upon the soil. The hon. Member for Malloy (Mr. MacCarthy) spoke upon the question of political economy in connection with the matter. In a former debate, I ventured to tender the advice that the political economist had better hold his peace in a discussion of this question from the point of view of the tenant-right advocates; because, from the point of view of political economy, what can be worse than withdrawing capital which ought to be employed in the cultivation of the soil, and not merely locking it up—that would be bad enough—but removing it altogether from the land? A man comes into a farm under the Ulster custom. He pays down all the money he has, all he can collect from his family and friends, and all he can borrow from usurers and others, and what becomes of the money? When he leaves the farm the money is, perhaps, taken to the Colonies, or it is invested in business, miles away from the land upon which it ought to be spent; and I cannot conceive anybody arguing, from the politico-economical point of view, in favour of the adoption of this Ulster tenant custom where it does not prevail. So much for the first part of the Bill; and when I am asked why the Government do not address themselves to its principles, I say that the principle of this Bill is pure, undiluted, unmitigated Communism.”

This is Ulster tenant right as regards the tenants, and if it occurred at the end of a lease such would be the tenants' position. As to the landlord, it is by no means so unfavourable, for he gets all his arrears of rent out of the unfortunate incoming tenant's money; and the tenant having invested so much is *adstrictus glebæ*, and cannot throw up his farm, as I hear so many tenants are doing now in England. But is that a wholesome state of things as regards the economy of Ireland as a nation? There is only one point more to which I would call your Lordships' attention, and that is the increased power which the latter part of the Bill puts into the hands of the County Court Judges. These gentlemen are, I

am sure, all honest; some are able; a few learned. But when most of them were appointed, their office was not nearly so important as it became under the Land Act. In deciding land claims, they follow different modes. One gentleman takes, as the Act intends, the custom of the estate; another takes the custom of the district generally; and a third decided in three ways, for in one case he gave £20 an acre against the landlord; in another he said (page 29, Evidence before Lords' Committee) that he would give what a farm would sell for in open market; and in a more recent case he laid down the law that a small proprietor should be treated differently from a large one. The landlord must agree to whatever rents the County Court Judge chooses to fix, or pay sometimes the fee-simple value of his land apportioned on such vague principles. I look on this Bill as a spoliation of the landowner, whose ancestor granted lands with covenants for quiet surrender, and probably at a low rent, in consideration of certain works to be done by the tenant instead of a high rent, as bad for the incoming tenant, but most mischievous to Ireland, as increasing the hope of further revolutionary changes, and setting at defiance the plainest laws of political economy.

Amendment *moved*, to leave out (“now,”) and add at the end of the Motion (“this day six months.”)—(*The Viscount Lifford.*)

THE EARL OF LONGFORD said, he had charge of a similar Bill last Session, when the noble Viscount took alarm at some provisions which were not in the Bill, as he had done just now, and stated his objections so forcibly that the Bill was thrown out. The Bill did not contain any of the revolutionary measures of which the noble Viscount seemed so apprehensive; it referred only to a special class of cases, and it could not be extended to others. It was not brought forward by a farmers' club or a tenants' league, to obtain by surprise and clamour that to which they were not entitled; but it was promoted by large proprietors in the North of Ireland, who examined the Bill with prepossessions against it, and, after scrutiny, came to the conclusion that the claim of the tenants was just, and that it would be just and wise to apply it. If it were said that a tenant who

had a claim might go into the County Court to establish it, he replied that one object of the Bill was to prevent unnecessary litigation, and to arrive at the same conclusion by a simpler process.

LORD CARLINGFORD said, their Lordships knew well the hatred entertained by the noble Viscount, who had moved the rejection of the Bill, for the Ulster custom and the Land Act, and, if they had forgotten it, they would have been reminded of it now. The noble Viscount's experience of the Ulster custom had not been of the most favourable kind; he had probably seen it in its most objectionable forms, with not much improvement upon farms, and with an extravagant rate of payment for the same. He did not know whether the noble Viscount would go so far as the Chief Secretary for Ireland, who had lately said that the Ulster custom was by far the worst tenure he knew of on the face of the globe. That might be an opinion excusable in a gentleman who was only accustomed to the tenure of land in England and Scotland; but it was marvellous how such an opinion could be held by anyone acquainted with the various Provinces of Ireland. The question was one of results; it must be decided by the facts. Let anyone compare the condition of the tenants at will under the Ulster custom, with all its drawbacks and extravagances, with the condition of the tenants at will—the ordinary small poor tenants at will—throughout the rest of Ireland, and he would say—“*Solvitur ambulando* ; the case is settled by the facts.” The Land Act said that certain usages should be enforced by law; and this Bill said that one of those usages, when it was proved, should not be defeated by any doubts and difficulties entertained by the County Court Judge. It had been proved in numerous cases that the past existence of a lease did not, according to the Ulster understanding, which formed a moral and equitable bargain between the landlord and the tenant, debar the tenant from claiming tenant-right under the Ulster custom; and the only object of the Bill was that the tenant should be at liberty, if he could, to prove that such a usage attached to his farm. Some of the County Court Judges had held this view, which, in the case of an appeal by the Irish Society, had been confirmed by a Judge of Assize; but that was only a

single judgment of the Assize Court, and the question had never been raised before the Land Court in Dublin. The intention of the Bill was not to add anything to the provisions of the Land Act, and not to increase the powers of the County Court Judges, but simply to remove certain doubts which ought never to have existed. So far as he was concerned, he could say that the intention of the Land Act was that the usage now sought to be legalized should be legalized. For these reasons he supported the second reading of the Bill, as he did that of a similar Bill last year.

VISCOUNT POWERSCOURT strongly objected to this perpetual tinkering of the Land Act, and thought their Lordships would set a very bad precedent if they consented to read this Bill a second time. The Irish landlord had been a very well-abused person; but, after the Land Act, he had supposed that he was to be left in comparative peace for some time to come. Under the present Act the tenant got compensation for all he did, whether he did it with the consent of the landlord or not. He thought that was going far enough, unless their Lordships contemplated taking away proprietary rights from the landlords altogether. The constant agitation for further change in the Land Law would create a very bad feeling if they consented to re-open the question, which, at the present time, was used very much for electioneering purposes. There was really no necessity at all for this Bill. He himself granted tenant-right at the close of a lease upon his estates in Ulster, and he knew that other landlords, upon whose estates the usage prevailed, did the same. The Bill was quite unnecessary, and he hoped it would not be read a second time.

THE LORD CHANCELLOR said, when, during the last Session, a Bill similar to the present came before their Lordships, he took the liberty of stating that, although the matter was one for which the Government was in no manner responsible, he should offer then, as he would offer now, some reasons why it appeared to him that their Lordships would act wisely in giving a second reading to the Bill. He must say that he thought the decision on this Bill should not be arrived at from any general view of liking or disliking the Irish Land Act of 1870. He spoke for him-

The Earl of Longford

self on that subject. He was not an admirer of that measure. He took an opportunity in their Lordships' House to propose, and he thought he carried, several modifications of that measure; but he always held the opinion that, since it became law, it was the interest of all their Lordships to take care that no unnecessary friction or irritation was permitted in the working of that measure. For that reason, in 1871, when a decision was given in one of the Irish Courts—or an opinion was thrown out by one of the Judges in that country—which most seriously imperilled the interests of the tenants where sales had taken place of the property of their landlords in the Landed Estates Court, he introduced a short measure, which their Lordships accepted, to remove that doubt, and declare that the judicial opinion so given was without foundation. It appeared to him that there had now arisen exactly one of those cases in which, with a little care, their Lordships might prevent a difficulty and doubt, which might cause great irritation in various parts of Ireland if that doubt were permitted to remain unsolved. He was, therefore, glad to hear the noble Earl who moved the second reading (the Earl of Belmore) promise to offer an Amendment, which would confine the operation of the Bill to Ulster—because no question had arisen in any other part of Ireland. The Bill related merely to the custom of Ulster, and it would create confusion and doubt to extend it further. What was the question with regard to Ulster? The Act of 1870 did nothing more than this—it enacted a very simple, short sentence—which I took the liberty at the time of saying was by no means so full and clear as it ought to be—but there it was, and they must deal with as they had it. All the Act of 1870 said was—

“The usages prevalent in the Province of Ulster which are known as, and in this Act intended to be included under the denomination of, the Ulster tenant right customs, are hereby declared to be legal, and shall, in the case of any holding in the Province of Ulster proved to be subject thereto, be enforced by this Act.”

Not a word was said about what the customs of Ulster were—no explanation was given—they were not told whether the custom of tenant right applied to leases or tenancies from year to year—the whole question was left to be solved

afterwards by the Judge of the Civil Bill Court. Now, was that a satisfactory state of things? He thought it was not at the time—he thought it was not now. The difficulty they were now bound to consider arose from the want of clearness in the Act upon that subject. He had no doubt many of their Lordships were surprised at Ulster tenant right in any shape or form, and, no doubt, many more were surprised that Ulster tenant right custom applied where there had been a lease; but there was not the slightest doubt that in many parts of Ulster the system was always held to apply even where there was a lease. If their Lordships would look at the Devon Commission evidence, a number of cases would be found there sufficient to satisfy the Commissioners that Ulster tenant right was, in many parts, applied where there were leases; and to-night, he thought, instances were mentioned—names being given in the North of Ireland—that Ulster tenant right custom was allowed to prevail where there was a lease. Now, it was not enough to say that was very wrong, and contrary to what our ideas were. But the Act of 1870 had told them that whatever was *de facto* the custom of Ulster was legal; and, therefore, the only question that remained was, what *de facto* was the custom in the particular Province? How was that to be solved? He wished to point out this to those interested in property in Ulster—they were at present in this danger and difficulty, that wherever there was property upon which tenant right had existed in the case of tenancies from year to year, there the inference to be drawn was, that in the case of leases, also, they must take it to exist. The Judge was made judge of the fact by the Act of Parliament; and, therefore, though they might not like the conclusion, they must accept it. On the other hand, the danger of the tenant was this—the Judge might decide that it was contrary to the eternal fitness of things that there should be tenant right custom in the case of a lease—and there was danger to the tenant in that respect. This was really a *casus omissus* in the Act of 1870, which ought to be supplied by judicious and wise legislation. He should object to the Bill as it stood; but, with the Amendment of his noble Friend, he thought they would do well to read the Bill a

second time. He understood that his noble Friend would follow the words of the Bill up to a certain point, and then add a Proviso that the customs should not apply if the landlord were able to show that upon any holding, or any property of which it was part, it had not been the custom to allow tenant right at the expiration of a lease. It appeared to him, therefore, that with that modification of the Bill, and the difficulty being cleared up that had now arisen, their Lordships would act wisely by reading the Bill a second time.

THE DUKE OF ARGYLL thought their Lordships were entitled to complain of being called on to vote for a Bill which was totally different from the Bill now before them. The noble and learned Lord had made an admirable—he would not say a plausible—defence, but a really sound defence for such a Bill as he described, if only the state of facts alleged really existed. The noble and learned Lord, however, did not so much offer a defence of the Bill, as draw attention to the manner in which it affected the Land Act of 1870. Now, he (the Duke of Argyll) was one of the authors of that Act, and he entirely disagreed with the noble Earl (the Earl of Belmore) as to the general principles he had laid down as regarded that Act. He maintained that its principle was this—as had been clearly explained by the noble Earl behind him (Earl Fortescue)—that where customs, properly so called—where usages generally existed, so that they might be presumed to enter into the understandings of persons making contracts, those customs and usages really formed part of the contract, and should be recognized by Parliament. Therefore, when a custom was proved to be the usage of an estate, they were imported into the contract where a lease was entered into, and became part of the contract. These customs were recognized by Parliament, and it was upon the principle of legalizing existing customs that the Irish Land Act was founded. He must complain of the charge which the noble and learned Lord made of ambiguity in the Land Act. In that Act customs and usages were recognized; but customs and usages were not confined to Ireland—they existed in England and Scotland as well, though in these countries they were more limited. In various parts of

Scotland there were usages perfectly well understood, which were never included in the contract; but which, if disputed in a Court of Law, would be invariably considered part of the contract. Therefore, he contended that the late Government were perfectly right when they sanctioned usages in general terms, and left it to the Courts of Law to say what were usages. The effect of the 2nd clause of this Bill was not to enable the Courts of Law to ascertain a usage, but to import, by Act of Parliament, a new usage. The noble Earl (the Earl of Longford), who was in charge of the Bill last year, recommended this measure on the ground that it had not emanated from farmers' clubs, but was brought in by great proprietors. But did the noble Earl know what was in the mind of the conveyancer? He must say it was hardly fair for the noble and learned Lord representing the Government to recommend the House to vote for the principle of the Bill because the Bill would be subsequently altered in Committee. For his own part, he objected to the principle of the Bill, because it directed the Irish Judges to presume that there was a usage where properly there was none. If the object of the Bill was that the existence of a lease should not preclude the tenant from making a claim, why should the Bill have been brought in? If their Lordships read the provisions of the Irish Land Act, they would see distinctly that every holder of a tenement in Ulster would be entitled to make his claim according to usage, and there was no clause whatever which limited him in making it. The noble and learned Lord who was at the head of the Law in England had brought an accusation against the Irish Judges that they did not interpret the law aright, but were guided by what they considered the eternal fitness of things.

THE LORD CHANCELLOR explained, that what he said was that there was a difference of opinion on the subject, and that doubts had been thrown on the meaning of the Act. Where an estate had been sold in the Landed Estates Court, and notice had not been taken of the rights which the tenant might have under the Act, those rights might be sacrificed. It was to remove these doubts that he introduced a Bill himself in 1871.

THE DUKE OF ARGYLL said, he did not think the Irish Judges would be guided by the eternal fitness of things, but by their duty in ascertaining the facts. He had heard of one or two cases in which it had been found that tenants under lease were entitled to make this claim. He could not conscientiously give his vote in favour of the second reading of the Bill, under the vague expectation there would be made in Committee certain Amendments of which the House at present knew nothing.

LORD INCHQUIN said, that as the Bill was not confined to Ulster, or the Ulster landlords, those of their Lordships who resided in other parts of the country were, he thought, entitled to express an opinion upon it. He opposed the second reading, on the ground that the Bill was wholly unnecessary, and also that it was inconsistent with the rights of property. If the Bill were to pass, it would lead to claims of tenant-right in every case where leases existed. Even if the Amendments suggested by the noble and learned Lord on the Woolsack were made, the presumption would be altered, and instead of the tenant having to prove that the custom did exist, the landlord would have to prove that it did not. If the Ulster custom, or anything approaching it, were extended to the other parts of Ireland, the value of estates, and of all reversionary interests in estates, would be diminished to a considerable extent. It exceeded his comprehension how landlords could come forward to advocate such a measure. Lord Justice Christian, in a judgment delivered in the Court of Appeal on the construction of the 28th section of the Land Act, said that hundreds of thousands of pounds belonging to the landlords of Ulster had been confiscated. Their Lordships were now asked to pass a Bill to extend the confiscation still further.

THE EARL OF DERBY said, that every noble Lord who had expressed an intention of supporting the Bill on the second reading had emphatically condemned it in the form in which it now stood. The noble and learned Lord on the Woolsack had condemned it, and so had the noble Duke (the Duke of Argyll) who was one of the authors of the Land Act of 1870. It was admitted on all hands that if the Bill

were to pass, the one clause which contained the whole substance of it would require to be materially altered. In these circumstances, was it not rather unreasonable that their Lordships should be called on to sanction a Bill which it was not intended should be passed in its present form? If the Bill were withdrawn, and a new one, properly drawn, introduced, they would know what they were doing; whereas, it was very unfair to ask their Lordships to go to a division, and vote "Aye" or "No," when they could not know what it really was they were voting upon. They might, in the result, discover that they were voting for or against principles entirely out of harmony with their real feelings on the question. What he would recommend was that the Bill should now be withdrawn, and be brought up again when the Amendments to be proposed by the noble and learned Lord should have been incorporated with it.

LORD O'HAGAN said, that he was prepared now to vote for the Bill; but there was so strong an expression of opinion against it, in its present shape, that he thought an improvement in it would be desirable. A very small modification in the measure, such as that suggested by the noble and learned Lord on the Woolsack, would meet the views, at all events, of his noble Friends on that (the Opposition) side of the House. As he understood the noble Earl who moved the second reading of the Bill, its provisions were not to extend beyond the Province of Ulster. The main object of the Bill being to facilitate the determination of the custom of tenant-right, where that custom existed, it appeared to him that the Bill would have more chance of success if that object was made perfectly clear. As he understood it, it was a clear and substantial question that the Bill had to settle; and the question, which was an important one, was not whether Ulster was to be governed in one way or another, but whether the Ulster tenant-right was to be legally recognized under given conditions. That which affected the Ulster tenant-right was important, for the right, as it existed, was the root of the prosperity of Ulster. Under these circumstances, he thought it highly desirable that the relations between landlord and tenant in Ulster should be permanently and definitely settled.

LORD SELBORNE said, he doubted whether the Amendments referred to by the noble and learned Lord would be adequate to meet the case. He joined with the noble Earl (the Earl of Derby) in asking not to be called on to vote either one way or the other whilst something most material and important was wanting; since he could not, in that case, tell whether he was voting for a principle to which he objected, or against a principle to which he would readily agree. He entirely agreed with the noble Lord (Lord Carlingford), and the noble and learned Lord (Lord O'Hagan), that it was quite clear that if there was a custom, the custom should be recognized; and, further, while it appeared from what had fallen from the noble Lord, who understood better than he could do what the feeling in Ireland was, that there was no difference of opinion in the country itself as to the desirability of existing doubts or ambiguities being settled. The Bill before the House, as he read it, said that the Judge should not go into the question of fact whether or not there was a custom applicable to this particular case; and he doubted whether the Amendment supported by the Lord Chancellor would be adequate to meet the objection. He understood the noble and learned Lord to say that it was proposed that the claim should retain its general character, but that a Proviso should be added, enabling every landlord to prove—if he thought fit—that there was no such custom applicable to the property. But that, by throwing the *onus probandi* upon the landlord, would be inflicting a hard and grievous burden upon him; and, further, the presumption in all cases would be raised against him that such custom did exist. He was convinced, under all circumstances, that their Lordships would agree with him that it was fit and proper that they should not be called on to vote at once. The right course would be to withdraw the Bill and have a new and proper one introduced, and then he hoped it would be agreed to.

THE EARL OF ANNESLEY, as a resident in County Down, the very centre of the Ulster tenant-right custom, was strongly opposed to the Bill. He invited their Lordships to consider what would be the state of affairs in England, if a large Lincolnshire farmer, for example, holds 1,000 acres, had to go to his landlord

and pay him £25,000, which was at the rate of £25 an acre, before he took possession of the land. That, however, was only an ordinary case in Ireland, and he could tell their Lordships of some extraordinary instances. The noble Lord, after citing some remarkable cases, said he would appeal to their Lordships whether they wished the same state of things to extend over the whole of Ireland? Since this Bill had been put down for second reading, he had received from an agent for considerable estates in Ireland a letter on the subject. In this communication the writer stated that the Bill introduced a totally new principle, which, in some instances, would be most injurious to the interests of the land. The writer of the letter expressed the conviction that if the Bill became law it would lead to expensive litigation in certain cases where improvements had to be paid for at the expiration of a lease. He hoped that if the noble Earl in charge of the Bill insisted on taking a division, his proposal would be rejected by a larger majority than that which threw it out last year. The Bill contained a new and vicious principle; and he felt certain that nothing was more likely to injure the prosperity of Ireland than measures calculated to interfere with the security of property in Irish land.

EARL GRANVILLE said, he rose, not for the purpose of prolonging the debate, for he had no personal knowledge of the working of the Land Act in Ireland, but for the purpose of appealing to the noble Earl at the head of the Government whether he would not join in the request made to the noble Earl who moved the second reading to withdraw the Bill? From what had fallen in the debate that night, and also in that of last year, he thought that a grievance existed which ought to be redressed. He made this appeal to the noble Earl at the head of the Government in antagonism to the noble Earl who had charge of the Bill, for he felt convinced that if he pressed the second reading to a division, he would find himself, notwithstanding the powerful support of Her Majesty's Government, in a minority, and, therefore, this grievance would remain entirely unredressed. Under these circumstances, he hoped the Prime Minister would join in urging the noble Earl to withdraw the Bill, and to introduce it in a different shape,

so as to meet the views which had been expressed in the course of the debate.

On Question, that ("now") stand part of the Motion? *Resolved in the Negative*; and Bill to be read 2^a on this day six months.

STATE OF THE COUNTRY—DEPRESSION OF TRADE.

QUESTION. OBSERVATIONS.

THE DUKE OF RUTLAND rose to ask the First Lord of the Treasury, Whether his attention has been called to a meeting of manufacturers at Huddersfield on the 2nd of the present month? The meeting to which he referred was called by the President of the Local Chamber of Commerce, and was attended by a number of gentlemen engaged in the manufacture of woollen goods. The first resolution passed affirmed that the present serious depression in the woollen industry in this country was largely caused by foreign competition. From the statements made by the several speakers at this meeting, and from the statistics of a valuable paper read by Mr. Brassey (extracts from which the noble Duke quoted), it was clear that the very greatest depression existed in the woollen trade, and that this depression was not decreasing, but increasing. They took exception to the statement of the noble Earl at the head of the Government on the 20th of April, that the volume of our foreign trade had not diminished; and seeing that foreign workmen worked 72 hours a-week they passed a second resolution, to present to Her Majesty's Government a Memorial praying for a Bill which should enable workers in factories to work 60 hours a-week, as could be done before the Act of 1874. It was clear, therefore, that the manufacturers present at the meeting desired that the hours of labour should be increased. He had sent a message to the noble Earl (the Earl of Shaftesbury), to inform him that he intended to bring the resolutions agreed to by the meeting before the notice of their Lordships; but he regretted to say that the noble Earl was unable to be present. The noble Earl had signalized himself by his devotion to the factory workers of this country, who were indebted to his ability, energy, and perseverance for the salutary legis-

lation which regulated their hours of labour. Were, then, their Lordships going to agree to the prayer of the Memorial to which he had referred and to repeal the Factory Acts, so that the people, by working some 72 hours a-week instead of 56, might aid in reducing the intensity of the present depression? He thought their Lordships would dismiss the suggestion at once. As usual, there were three courses open to their Lordships. The first he had already mentioned. The second was one which might be debated, and which he was afraid had been somewhat popular. It was to hold our arms, open our mouths, and wait for something to fall into them; to trust, in short, to Providence, and hope that something of a satisfactory nature would happen. That would be a very easy course to pursue; but it was not one which their Lordships would assent to. He would again refer for a moment to the proposal to increase the hours of labour. A very important pamphlet had been written on the subject by a Mr. Lister, who pointed out that we were being ruined by having to compete with foreign nations, by whom 72 hours of labour were allowed in the week. Later on, Mr. Lister said—

"The Conservatives passed the Factory Act and the Liberals Free Trade; and these are antagonistic to each other; and I say that we cannot have restricted labour and unrestricted competition. The question, therefore, narrows itself to this issue—are we to make our factory operatives slaves, in order that we may compete with our rivals, or are we to protect both the labourer and the produce of his labour?"

Now that gentleman attended the meeting at Huddersfield, and, presumably, was a consenting party to the resolution in favour of extending the hours of labour from 56 to 60 hours. What had caused the change in his opinion? Perhaps he had read the words recently uttered by his noble Friend—namely, that reciprocity was a phantom, and he might have thought that, as he could get no relief in that direction, there was nothing for it but to lengthen the hours of labour. He (the Duke of Rutland) quite admitted that reciprocity was now a phantom; but he asked whether, if they put on duties on foreign imports, reciprocity would not, instead of being a phantom, become a living power? No fewer than 168 articles had been taken off the tariff, and only 22 remained on.

Why should they not say to foreign Powers—"Take off your duties, and we will treat you in the same way?" If they did, reciprocity would become a force; now it was as an enormous gun, without either powder or shot, but properly loaded it would become as formidable as one of the Armstrong guns. They had been, on a late occasion, reminded of the number of Treaties they had with foreign nations containing the "most favoured nation" clause, and it was said that they were bound to treat all those nations in the same way. That might be so; but he saw that last night there was a short debate on this subject in "another place," and that Mr. Bourke stated that the French Treaty had lapsed in December, and that other Treaties were about to lapse. Might he not suggest that those Treaties might not be renewed at all, or else renewed leaving out the "most favoured nation" clause, or in any other way in which life could be given to reciprocity? He now came to the third course which they might adopt, and which he believed was most likely to be conducive to the interests of the country; and that was to put a moderate duty on foreign imports. In favour of such a course he could cite Chatham, and Pitt, and Huskisson, and Thiers, and Bismarck, and Derby, and George Bentinck, and, might he not add, the name of Disraeli? These were some of the greatest statesmen who had ever lived, and they had all advocated a system of import duty. There was not a country under the sun, with the exception of this, which had not adopted the system. Would it not, if adopted here, relieve those who were suffering from the depression of trade, by means of indirect taxation? They now raised, on an average, £120,000,000 a-year by taxation and rates, and of that sum £20,000,000 only was raised by indirect taxation. Was that a fair proportion as between the two systems? No one, he thought, could say that it was. For all these reasons he hoped they would make some compensation to the hard-pressed manufacture of which he had spoken, by putting some duty on foreign imports, and protecting, not one industry or two, but all the industries of this great country. The ultra-Free Traders seemed to think that all the world was mad except themselves; but he hoped he had shown that the time had come

when we ought to take some step for ameliorating the condition of our commerce and industry, even if we were to follow the example of those poor unenlightened French, or Germans, or Canadians.

THE EARL OF BEACONSFIELD: My Lords, I have listened with great interest to my noble Friend's expression of his views, which reminded me almost of the days of my youth, when I heard doctrines of the same kind enforced by himself with the same energy and determination. But I do not think my noble Friend has treated me very fairly in respect of the manner and the occasion which he has selected for bringing these matters before the House. In the first place, the Question, of which my noble Friend had given Notice, was whether my attention had been called to a meeting of manufacturers at Huddersfield on the 2nd of May? I keep my eye on public meetings as much, probably, as any Member of your Lordships' House, but, unfortunately, that meeting escaped my observation; and my noble Friend, by an inadvertence which I am sure was quite unintentional on his part, did not in his Notice give me any clue to the subject which had occasioned that meeting, and which he thought of sufficient interest to justify him in bringing it under the notice of your Lordships. But from the statement which my noble Friend has now made, I gather that the meeting was held in a manufacturing town of repute, in consequence of the general depression and distress, in reference to which I made some remarks a short time ago. I did not collect from my noble Friend anything which really seemed to meet the observations I then made. By way of refuting my remarks, he quoted the opinion of a gentleman (Mr. Brassey), who, although I do not know him, I have no doubt is a competent witness to the fact, that not merely the value of our woollen exports, but the amount—the volume of them—has considerably diminished. But, as a matter of fact, I never gave an opinion upon the state of the particular trade to which my noble Friend has called our attention this evening. I spoke generally, when I said that while the value of our exports had fallen off their volume remained unchanged. That statement was made upon official

authority, and upon facts the accuracy of which no one can impugn, and it is perfectly consistent with the fact—if fact it be—that the amount of our woollen exports has diminished. The total amount of our exports may have been maintained, while our woollen exports may have diminished. I come now to the subject of reciprocity—and I must say it is gratifying to find that the arguments which were elicited in the course of the previous debate on this subject have convinced my noble Friend that reciprocity cannot be, in present circumstances at least, a satisfactory remedy for the state of things to which he has called attention. I showed, on that previous occasion, that reciprocity was really impossible with us. First of all, because we had almost destroyed our tariff. I stated that when we had still 168 articles left on our tariff the idea of reciprocity was not entertained; and that at the present moment the number of those articles was only 22, which it would be difficult for us to touch, since Revenue mainly depended upon them. But I also called the attention of my noble Friend to another difficulty which we should encounter in attempting to introduce the principle of reciprocity—namely, the number of Commercial Treaties we had entered upon, that number being, if I recollect aright, 38, every one of which contained the “favoured nation clause”—so that in obtaining a concession from any particular Power in return for one conceded by us, the remaining 37 nations would have the right to claim from us the same concession. I showed my noble Friend that, in these circumstances, the introduction of reciprocity must be a process of considerable time. I ought then to have added—what is an important consideration—that 20 of those Treaties are extended to our Colonies. The whole, therefore, of their vast foreign commerce would be disturbed, and possibly destroyed, if we suddenly interfered with those Treaties. Some of them are for a long term of years—10 years—others have conditions to be observed in terminating them which it would not be easy to fulfil. I do not think it is an exaggeration to say that it might take a quarter of a century to rid ourselves of all this machinery of Commercial Treaties founded upon the principle of the “favoured nation clause.” It is not, therefore, surprising,

after all, that my noble Friend should be convinced that reciprocity, in the present state of affairs, is not the easy remedy which, unfortunately, so many people throughout the county consider it to be for the manufacturing and commercial distress now prevalent. My noble Friend did not come forward with the fresh remedy for the evil which appears to have been adopted by this meeting at Huddersfield. The meeting at Huddersfield seemed to regard the Factory Laws as the great cause of this evil. Well, my Lords, I am not prepared myself to change my opinion upon the wisdom, the beneficence, and the national advantage of that great system of legislation, commonly called the Factory Acts, without evidence more convincing than any yet produced that the distress in our manufactures is to be ascribed to that diminution of working hours which many believe adds to the efficacy of labour. Considering the unanimity of opinion with which your Lordships adopted that system of legislation, I do not suppose your Lordships would readily agree to a change. I do not think my noble Friend himself would do so. Well, then, if my noble Friend agrees that reciprocity is a phantom, and if he agrees that it is not in any legislative increase of the hours of labour that a remedy should be found for the manufacturing and commercial distress now existing, what is really the remedy which the noble Duke wishes us to adopt? It is neither more nor less than the imposing upon all foreign articles what my noble Friend calls “a moderate duty,” but which I shall call a duty, without the epithet, because I have observed that opinions as to what constitutes moderation differ greatly. I have no idea myself as to what are the “moderate duties” which my noble Friend would impose. Well, my Lords, this brings us face to face with one of the gravest questions that can demand our attention; and is it to be expected—is it fair to expect—that we should enter upon a discussion of it simply because my noble Friend has placed a Notice on the Paper that he will call attention to a meeting of manufacturers in Huddersfield on the 2nd of May—a meeting, the object of which is not even stated? If the noble Duke thinks the time has come for a vast change in the commercial system of the

country, let him give Notice that he will call attention to the subject—let us have an attendance adequate to the occasion—whatever may be our opinions, let us have an opportunity of enforcing them by all that documentary evidence which the experience of many years has afforded us; and let us have a discussion worthy of the subject which by the country generally may be received with content and confidence. I must decline, on an occasion like the present, to enter on such a discussion. It is not unsatisfactory that by these guerrilla remarks we have had on two or three occasions the position occupied by my noble Friend and a numerous party in the country is now clear. It is not a movement in favour of reciprocity—which, in the present state of affairs, is acknowledged to be a phantom. It is not a movement for increasing the hours of labour—which my noble Friend says he will not sanction. It is a movement to produce a tariff which shall encounter the hostile tariffs of other countries by equal duties and equal regulations. That is what is clearly before the country now. The details of this change in our commercial system should be put before the country completely and clearly. Let us know what is to be the nature of this new tariff. It is not satisfactory to hear that it is to consist of what are called “moderate” duties—because one man will consider 20 per cent a moderate duty, and another man will consider 5 per cent moderate. Let us know clearly whether those who are proposing these changes are prepared to extend these duties to agriculture and its products. The noble Duke has reminded me of a remark I made in a former debate, and which I do not shrink from now. Of all the distress which now prevails among different interests, agricultural distress, which is so severe, is, perhaps, the only instance in which that severity can be traced or attributed to the change in our commercial system which was made when the principle of Protection was relinquished by the country. Is my noble Friend prepared to give to the agricultural interest that protection which he thinks is necessary? In the discussions which the present distress has led to, I have heard of schemes for relieving the pressure on British industry by what are called import duties; but we have always been told that land will be an exception

to that protection, and that no article of agricultural produce is to be subject to these import duties. I can only protest against the injustice, if you are to have a protective system, that, under the plea that it is impossible to tax the food of the people, the landed interest and all its produce is to be subjected to unequal treatment. I hope your Lordships will not be induced to enter into a long and desultory discussion, when we have not before us any proposition embodying the conviction which my noble Friend so earnestly entertains. If he will bring before us the question whether we will give up the commercial system which was established 35 years ago, I am sure the House will give to so important a subject, brought forward by a Member of the House whom all so much respect, that due consideration which it would deserve.

INDIA—TELEGRAPHIC COMMUNICATION WITH INDIA.

ADDRESS FOR PAPERS.

THE DUKE OF ARGYLL rose to move—

“That an humble Address be presented to Her Majesty for Copies of any minutes or memoranda by the Secretary of State for India, or by Members of Council, in 1873, on the subject of telegraphic communications with the Government of India.”

The noble Duke said, he would not have brought the matter forward at so late an hour, but that by the time their Lordships met again he should probably be on the high seas. His object in moving for these Papers was this—the Viceroy had repealed the cotton duties; the repeal would involve an estimated loss of £200,000 a-year to the revenues of India; and the Viceroy had done this by overruling, which he had the legal power to do, his Council in India. As their Lordships were aware, the sanction of the Government at home to that course of action had been given, but not in the form of a despatch which had been passed by the Council of the Secretary of State for India. He did not wish to enter on the policy of the repeal of the duties; but it was evident that the step had been taken in a manner and at a time which had roused feelings of great asperity towards this country in India. A Member of the Council in India had recorded his dis-

The Earl of Beaconsfield

sent in language that was all the more remarkable, seeing that in other respects he was a warm supporter of the policy of the Government. He said—

“I am convinced I do not overstate the case when I express my firm belief that there are not at the present time a dozen officials in India who do not regret the policy which has been adopted in this matter as a policy adopted, not in the interests of India, nor even in the interests of England, but in the supposed interest of a political Party, the Leaders of which admit that it is necessary at any cost to retain the support of the cotton manufacturers of Lancashire.”

This was a grave accusation, which he quoted, not for the purpose of suggesting that this had been the motive of the Viceroy, but to show that the subject was one on which it was important not to have acted without the fullest opportunity given to the constituted authorities to record their opinions in the prescribed manner. The Viceroy and the Secretary of State might override their Councils; but the Act of 1857 provided that every order or communication proposed to be sent to India, or made in the United Kingdom, should be submitted to a meeting of the Council or placed in the Council Room for seven days before it was sent out or issued. True, the Secretary of State might act through his Secret Committee; but there was no pretence for saying that a reform of the tariff was a matter to go through the Secret Committee. The Secretary of State had intimated to the Viceroy that his decision would be upheld; but that had been done without any communication with the Council, so that the Members had not had even an opportunity of recording their opinions on the policy of the act. This course of procedure had been defended by the Chancellor of the Exchequer in “another place.” He had no complaint to make as to the accuracy of the statement in its words given by the Chancellor of the Exchequer. Verbally, it was accurate; but the impression it conveyed out-of-doors was quite inaccurate. The noble Viscount the Secretary of State for India would admit that, so far as he was concerned, he was not responsible for the use made in this case of the particular forms referred to. He wished to state how the matter arose. He had occasion to send some telegrams to the Viceroy, and Sir Erskine Perry questioned his right to send any telegrams without passing through the Council. He raised the general question

of principle—Could the Secretary of State send telegraphic messages to the Viceroy without passing them through the Council? He (the Duke of Argyll) would say at once that it never could be supposed that private letters were excluded under the clause in the Act of Parliament; and it was notorious that every Secretary of State communicated freely with the Viceroy and the Government of India through private letters. This led to considerable discussion in the Office. Memoranda were written by Sir Erskine Perry and Sir Henry Maine, and the result was, it was agreed that the Secretary of State might send telegrams to the Viceroy provided they were marked with the word “personal;” but it might be seen at once how easy it would be to abuse the power of sending communications to India without consulting the Council at home. He should be sorry to discuss this question fully till he saw the Memoranda. He would only say that if this arrangement with regard to telegrams in the place of private letters was to be used, not only for the purpose of overruling, but evading altogether, the opinion of the Council on such a matter as the reduction of the Indian duties, they might as well do away with the Council altogether. Nothing would be left of their power or authority, or even of their influence—especially in a matter very nearly affecting the feelings and interests of the people of India. Therefore, it was a serious question whether the noble Viscount the Secretary of State for India had or had not used this power to avoid a debate by his Council upon a matter which touched both the interests and feelings of the people of India.

Moved, that an humble Address be presented to Her Majesty for Copies of any minutes or memoranda by the Secretary of State for India, or by Members of Council, in 1873, on the subject of telegraphic communications with the Government of India.—(*The Duke of Argyll.*)

VISCOUNT CRANBROOK said, that the noble Duke, in discussing this subject, had taken upon himself to guess much and surmise much—and very inaccurately. He had informed the noble Duke that he might have seen the papers relating to telegrams, if he thought proper, before he addressed the House to-night. With respect to anything that he had done which was impugned, he was there perfectly

prepared to defend it. He had not used the telegraph for the purpose of interfering with the rights of the Council, either here or in India. The Viceroy had a perfect right by law, in carrying out his views, to overrule his Council; and it was not necessary for him to make any application to the Secretary of State for India in Council on the subject—he had the power in his own hands. But when the Viceroy asked the Secretary of State, as a Member of the Government, whether, if he took a certain course of action, the Government would be prepared to support him, he (Viscount Cranbrook) was perfectly entitled to reply in the way which he did; but the Members of the Council would have the same opportunities as they had before of expressing their opinions with respect to the Indian Budget, when the despatch relating to that subject was prepared to be sent out in the usual course. Every Member of the Council might minute his views to the fullest extent; and the noble Duke had himself quoted some of the very strong language which had been used by some Members of the Council of the Governor General in recording their opinions. The system of dissent he approved of to the fullest extent, if it was exercised in a fair and decent manner; but some of their opinions had become pamphlets and rhetorical expositions, instead of that kind of argumentative protest which was suited to the subjects dealt with. It seemed to him a strange novelty that the Members of the Council should undertake to impute motives alike to their Chief and to the Government in England. He entered his protest against the style of language that had been adopted on this subject. The real question was, whether the Secretary of State should be in confidential communication with the Viceroy? That was an essential part of his position; it had been the practice hitherto. The position of the Secretary of State would simply be intolerable if he were not to have any confidential intercourse with the Viceroy. These Councils were not appointed by him—they were put there as a check; but with respect to matters for which he was answerable to Parliament, the Secretary of State was perfectly entitled to communicate confidentially, either by letter or telegram, with

Viscount Cranbrook

the Viceroy. He (Viscount Cranbrook) admitted the distinction between the Secretary of State and the Secretary of State in Council, and that telegrams from the Secretary of State in Council should be shown to the Council. With regard to the Papers moved for by the noble Duke, they should certainly be produced; and if any question was raised with respect to his conduct, he would be quite prepared to vindicate it. He had done nothing but what had been done by his Predecessors.

LORD LAWRENCE said, that what the Indian Council naturally desired was to have an opportunity of submitting to the Secretary of State arguments against any particular policy which it might be intended to pursue, and of putting their opinions upon record. A Member of Council would hardly care to place on record his opinion on a matter which had been already decided upon. It would, indeed, be useless for him to do so, except for the sake of the private satisfaction of letting Parliament hereafter know what was his individual opinion. It seemed to him that the Council had had no opportunity of using their influence with regard to the policy which had been pursued in respect to the cotton duties; for the fact appeared that the Secretary of State had allowed them no opportunity of considering the question. What moral influence could the Council have, if the Secretary of State did not consult it in important matters? It was no exaggeration to say that it would be better to do away with the Council than to treat that body as it had been treated lately. They had thus become of little use, though they were men of great experience in India, and well fitted for the position they occupied in this country. During his experience he never knew the Council to be treated in anything like the way it had been during the last two or three years.

THE MARQUESS OF RIPON said, that having been himself at the India Office, he could confirm the statement of his noble Friend. He believed he was correct in stating that, although his noble Friend (Viscount Halifax) wrote numerous private letters to the Governor General and to other authorities in India, he never took any step of importance, nor sent out any important order, without having the fullest consultation with the Members

of the Indian Council. In one of the rare cases in which his noble Friend differed from his Council—namely, in reference to the re-organization of the Indian Army—he went out of his way, so to speak, in order to secure for its Members the fullest discussion of that important question. On that occasion he overruled the Members of his Council; but he used always to give them the most ample opportunity of expressing their opinions. He did not know how much that practice had been deviated from in recent times; but, certainly, a deviation from it must reduce the Indian Council to a nullity.

Motion agreed to.

House adjourned at a quarter before
Nine o'clock, to Friday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 20th May, 1879.

MINUTES.]—SELECT COMMITTEE—Sugar Industries, *nominated.*

Special Report—Commons [No. 198].

PRIVATE BILL (*by Order*)—*Considered as amended*—Thames River (Prevention of Floods).

PUBLIC BILLS—*Second Reading*—Local Government (Ireland) Provisional Orders (Killarney, &c.) * [178]; Elementary Education Provisional Orders Confirmation (Brighton and Preston, &c.) * [177]; Elementary Education Provisional Order Confirmation (London) * [176]; Local Government Provisional Orders (Aspull, &c.) * [151].

Committee—Army Discipline and Regulation [88]—R.P.; Customs and Inland Revenue [150]—R.P.

Committee—*Report*—Consolidated Fund (No. 3) *.
Third Reading—Parliamentary Burghs (Scotland) * [97]; Dispensaries (Ireland) * [66]; Hares (Ireland) * [165], and *passed.*

The House met at Two of the clock.

PRIVATE BUSINESS.

THAMES RIVER (PREVENTION OF FLOODS) BILL (*by Order.*)

CONSIDERATION, AS AMENDED.

Order for Consideration, as amended, read.

Motion made, and Question proposed,
“That the Bill be now taken into Consideration.”

COLONEL BERESFORD, in moving, as an Amendment, that the Bill be considered upon this day five weeks, said, that his object in wishing to have the Bill postponed for that period was to secure that the measure should not be disposed of until the House had an opportunity of considering another Bill upon the same subject which was about to come before them. The Rivers Conservancy Bill, introduced by Her Majesty's Government, stood for second reading on the day to which he desired to have the consideration of the present Bill deferred. A further reason was that the House had not yet had an opportunity of considering the evidence taken before the Select Committee on the Thames River (Prevention of Floods) Bill. Indeed, it was not yet before the House, and would not, he believed, be in the hands of hon. Members before to-morrow. The object of the Bill was to deal with the incidence of taxation; and he wished to point out that, in all former cases, the whole of the riparian expenses had been paid out of the general rates, and not by the riparian owners. He was, therefore, at a loss to understand upon what grounds it was now proposed that some of the riparian owners of the City of London should be mulcted in the expense of carrying out the instructions given by the Metropolitan Board of Works. He had no desire to detain the House, especially as he believed that his hon. and learned Friend the Member for Carmarthen (Mr. B. Williams) would second the Motion, and would explain the grounds upon which the present application was made. He would simply move now that the consideration of the Bill be postponed for the period he had named.

MR. B. WILLIAMS said, he rose with great pleasure to second the proposition of his hon. and gallant Friend opposite (Colonel Beresford), that the consideration of the Bill should be deferred until that day five weeks. He ventured to submit that there were very strong reasons why the consideration of the Bill should be postponed in the way suggested. The chief reason which he thought it was necessary for him to put before the House was that there was already in the House a Bill entitled “The Rivers Conservancy Bill,” which had just come down from the House of Lords, and the second reading of which

was fixed in this House for the 16th of June. Now, that Bill was based entirely on principles opposed to the principle of the Bill before the House, and he did not think it right, or conducive to the dignity of the House, that they should pass two Bills in the same Session, one of which was diametrically opposed to the principles of the other. Considering the peculiar circumstances of the case, perhaps the House would allow him, by one or two short observations, to explain the present position of legislation with regard to the subject. As hon. Members would be aware, the Bill now before the House was brought in with the object of preventing inundation by the River Thames within the Metropolitan area. That was an object which everyone would concur with; and the sole question for consideration was, what was the best way to carry it out? The Metropolitan Board of Works, in 1877, brought forward a Bill which was referred to a Select Committee of 11 Members, upon which his hon. Friend the Member for the Elgin Burghs (Mr. Grant Duff) sat as Chairman. After a long inquiry, that Committee reported in favour of imposing the charge for the construction of the necessary works upon the whole of the Metropolitan area. That was the result of a very careful investigation; but the hon. and gallant Baronet opposite—the Chairman of the Metropolitan Board of Works (Sir James M'Garel-Hogg)—and his Colleagues did not accept the decision of that Committee, and, accordingly, they withdrew the Bill in 1877, and introduced another Bill last year, and also introduced a Bill this year—the Bill which had just come down from the consideration of a Select Committee. Now, the two Bills which were introduced last year and this year were not based on the Report of the Committee of 1877, but were directly opposed to it. But a kind of compromise was suggested with reference to the incidence of taxation; and what the Committee suggested was this—that a portion of the expense should be borne by the Metropolitan area, and the other portion be borne by the District Boards. That compromise was founded on the idea that at the present moment the law imposed the liability upon the District Boards and the riparian owners to prevent inundation from rivers. He had no desire to weary the House by entering

at length into the question. He only wished to make a few remarks, without raising any legal discussion on the point. He might, however, say this—that after carefully considering the matter, and with reference to the proper construction of the Metropolitan Management Act of 1855, following the authority of the well-known case of *Hudson v. Tabor*, which was decided by the Lord Chief Justice and his Colleagues, and affirmed upon an appeal, he freely asserted that there was no liability on the part of the riparian owners or the District Boards to prevent the inundation of rivers, as the law now stood. The Bill was based on the assumption that there was such a liability; and, after the investigation which had taken place, the House might be disposed to accept the decision of the Select Committee who had just reported, although it was not in accordance with the decision of the Select Committee of 1877. But if the House took that course, it would be in this difficulty. The Government were now promoting a Bill for the Conservancy of Rivers. It had been sent down to this House by the House of Lords, and it was proposed that it should be considered on the 16th of June. Now, what was the principle on which that measure was based? Was it based on the principle that the riparian owners and the District Boards were liable for the expense of the works necessary to prevent the inundation of rivers? No; it was based upon an entirely opposite principle, because it expressly provided, in a sub-section of Clause 11, that—

“No person shall, by virtue of this Act, be compelled to execute, at his own expense, any works which he would not have been compelled to execute if this Act had not been passed.”

That was entirely opposed to the principle involved in the Bill now before the House. The question now for the consideration of the House was, whether the House was going to commit itself to the principle of this private Bill before the principle involved in a public Bill had been thoroughly investigated and decided upon by the House? That was really the question. Was the Metropolitan Board of Works to have privileges given to it by this private Bill, which were denied by a public Act to every authority in England? What he ventured to suggest—and he made the sug-

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gestion not by way of defeating the passing of the Bill—was, that the House should not commit itself, until the proper time arrived, to any principle in regard to the prevention of the inundation of rivers; because, at the present moment, it had before it two separate and distinct Bills which were sought to be passed into law—which were based on two inconsistent principles. He asked the House not to fix now a principle in regard to the Bill now before them, until they had full and ample opportunity of considering the principle involved in the measure, which Her Majesty's Government proposed to pass in regard to the conservancy of rivers. Under all these circumstances, he ventured to urge with respect, but, still, with some earnestness, the suggestion he desired to make, that the consideration of the Bill should be postponed until after they had had a discussion upon the public Bill. He, therefore, begged to second the Motion moved by his hon. and gallant Friend the Member for Southwark (Colonel Beresford).

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon Tuesday the 24th of June next."—(*Colonel Beresford.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR JAMES M'GAREL-HOGG did not think it was at all necessary to take up the time of the House in endeavouring to prove to them the necessity of the Bill which was now under their consideration. In fact, he might say that it was allowed, both by the Mover and the Seconder of the Amendment, to postpone the consideration of the Bill, that it was an important question, and one that ought to be speedily dealt with. The Mover of the Amendment, and the hon. and learned Gentleman the Member for Carmarthen (Mr. B. Williams), who had just sat down, tried to found an argument for delay on the fact that Her Majesty's Government had brought a Bill down from the House of Lords—a Rivers Conservancy Bill—which dealt with floods in the various rivers of England. He was bound to tell the hon. and learned Gentleman opposite (Mr. B. Williams) that he (Sir James M'Garel-Hogg) did not think the hon. and learned Gentle-

man could have read the present Bill, or, if he had read it, he could not quite have understood the various clauses of it; because he (Sir James M'Garel-Hogg) thought he was perfectly right in asserting that the Metropolis was expressly and absolutely excluded from its operation. Therefore, all the arguments of the hon. and learned Gentleman, and the hon. and gallant Member for Southwark (Colonel Beresford), which were founded on this assumption, at once fell to the ground. The hon. and learned Member for Carmarthen stated to the House that he did not wish to impede the progress of the Bill. But how could he hope to succeed in that object, when he proposed to postpone the consideration of the Bill for five weeks? The hon. and learned Gentleman must be perfectly aware that such a proposition must impede the progress of the Bill; because, if they postponed the consideration of it for five weeks, or until the Conservancy Bill could be considered, the Bill could not go through the House of Lords this Session, and all the time and money which had been expended upon it would be utterly lost. The argument, therefore, that the postponement of the Bill would not impede its further progress, entirely failed. And now, with regard to the facts of the case. The hon. and gallant Member for Southwark wished that the consideration of the Bill should be postponed. But he (Sir James M'Garel-Hogg) would tell the House that the constituents whom the hon. and gallant Member represented, and who had petitioned against the Bill, every day received a copy of the evidence given before the Committee. Every day the hon. and gallant Member received two copies of the evidence—one for himself and another for his friends, so that they might specially study it; and if the hon. and gallant Member and his constituents had not done so, it was their own fault. Independently of that, the day after the Committee closed their labours a full copy of the evidence, and the speeches of counsel, and everything relating to the Bill, was placed in the Library of the House by the special direction of the Chairman of the Committee, and the Librarian who had charge of them would enable any hon. Member to peruse them who thought fit to do so. Under all these circumstances, he cer-

tainly thought the hon. and gallant Member for Southwark, and the hon. and learned Member for Carmarthen, had failed to lay before the House any satisfactory reason why the progress of the Bill should be further delayed.

MR. W. E. FORSTER said, he was anxious to say one or two words before the House came to a decision upon the Bill. He had been Chairman of the Select Committee, and thoroughly agreed with the decision of the Committee, although he never was called upon to vote. Indeed, no point ever got anywhere near the casting-vote of the Chairman. He trusted that the hon. and gallant Member for Southwark (Colonel Beresford) would not ask the House to divide upon the Bill. The hon. and gallant Member said he wished to have the consideration of the Bill postponed for five weeks. He had better have said at once for six months, because the postponement of it for five weeks would make it utterly impossible to carry it during the present Session. The ground on which the hon. and gallant Member for Southwark put the matter, and upon which he was supported by the hon. and learned Member for Carmarthen, was this—that a Bill was coming, or had come, that had not yet been considered in regard to the conservancy of rivers generally. Well, but the Committee appointed by the House of Commons were told to consider the question of the incidence of taxation for the River Thames; and he thought he might say something on behalf of the general position of Committees of the House of Commons—namely, that the decision of such Committees was not to be overruled when it had been delivered on a subject specially referred to them, because there happened to come down, after their decision, a Bill from the House of Lords, which was supposed to deal with the same question. The Bill, however, really did not deal with the question it was supposed to deal with. The Bill which had come down from the House of Lords related to the question of the conservancy of rivers generally; but, as the hon. and gallant Member for Truro (Sir James M'Garel-Hogg) had stated, the promoters of that measure—who were, he believed, Her Majesty's Government—were perfectly aware of the fact that the position of the River Thames was exceptional, and had,

therefore, excepted the Thames from the operation of the Bill. The Select Committee upstairs found, when they came to consider the question, that the position of the Thames was very exceptional; and, after having gone carefully into all the questions brought under their notice, the Committee came to the conclusion that they ought to support the Bill. It was true, to some extent, that the present measure was not in accordance with the resolution of the previous Committee; but the Bill was presented before the Committee upstairs in a somewhat different manner. He did not accept the interpretation of his hon. and learned Friend the Member for Carmarthen, that this was a compromise—that the Metropolitan Board of Works was to pay part of the cost, and the owners the other part. If his hon. and learned Friend would read the Bill, he would find that the Metropolitan Board did not pay any part of the cost of constructing the necessary works. It was not requisite that he should detain the House by entering into the general merits of the question; but he believed it would be found that the expense of carrying out the works would be much less than was supposed. That was the conclusion at which the Committee arrived after hearing the evidence. It was estimated that £55,000 would cover the cost—£55,000 for the protection of the river from floods—and there was no serious challenge before the Committee of that estimate of the cost. The Committee also ascertained this fact—that at least three-fifths, and probably more, of the owners of property, both in regard to numbers and the length of frontage, had already executed all the works that were necessary. That, he thought, placed the matter upon a very different footing than it would occupy if all the works had now to be entered upon. The Select Committee thoroughly considered the case of the Petition presented from the constituents of the hon. and gallant Member for Southwark (Colonel Beresford); and, without giving any opinion whether the cost would ruin the Metropolis, they were of opinion that, at any rate, there were good grounds for supposing that it would not. They had clear evidence before them that a great mistake was made by the parties who were interested in opposing the Bill. Perhaps the House

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would allow him to give an illustration. There were wharfingers who strenuously opposed the previous Bill. They not only opposed by Petition, as his hon. and gallant Friend the Member for Southwark did, but they appeared by counsel, which he did not. They thought that the Bill was a very dangerous measure. Since then they had done all the works that were necessary themselves, and the expense of constructing them turned out to be £60; while the expense they had previously incurred in opposing the Bill amounted to £400. There was another opponent who was not at all convinced about the matter, and his counsel came before the Committee in hot haste, because he thought it might be necessary to make a change in connection with his works. But, on inquiring what the cost of the works would be, he found out that it would only amount to £8. In that way the real facts in regard to the expense and everything else came overpoweringly before the Committee. They found that it was necessary the Thames should be guarded against floods; and they found, further, that the owners were people who, generally speaking, gained their livelihood upon the Thames. It was not unreasonable, they thought, to ask Parliament to oblige their owners to prevent the property of other people from being injured by the overflowing of the Thames; and it was found that the expense of constructing the necessary works was very slight, and much cheaper than anybody expected — and cheaper, also, if done by the owners than by anybody else. That being so, it appeared to the Committee that the present Bill was the one they ought to support. He therefore trusted, if his hon. and gallant Friend the Member for Southwark put the House to the trouble of a Division, which he hoped his hon. and gallant Friend would not do, that the House would reject the Amendment. To postpone the consideration of the Bill, as now suggested, would be simply to defeat it altogether.

MR. SCLATER-BOOTH expressed a hope that it would not be necessary to put the House to the trouble of a Division on the present occasion. The question had already, and only recently, been fully and carefully considered by a Select Committee upstairs; and the right hon. Gentleman who presided over the

deliberations of the Committee told them that the conclusions arrived at were unanimous. An important element in the case was the fact that, in the case of the great majority of the owners, the works necessary to prevent floods had already been voluntarily carried out at their own expense. Not only was this the case, but it was found that the works could be executed at a comparatively trifling cost. The case, indeed, stood upon a very different footing from that which it would have occupied if they had had to deal *de novo* with the whole of the large area in question. He said this without the least prejudice. If the plan of the Bill had involved the construction of works involving the whole river frontage of the Metropolis, his own opinion would have been against the particular scheme proposed. But that was not the case; and the only question raised by his hon. and gallant Friend who moved the Amendment was, that before the Bill passed an opportunity should be afforded for considering the Government Bill which had come down from the House of Lords in regard to the Conservancy of Rivers. It was perfectly true that the Rivers Bill contained provisions for the prevention of floods; but the River Thames, which was already under the management of a body of Conservators, had been specially exempted from the operations of the Government Bill. He was far from saying that the Act for the Conservancy of the Thames did not require to be amended. On the contrary, he thought it did; but the case against his hon. and gallant Friend's Amendment was a strong one, because not only the Thames Conservancy Board and its functions were specially exempted from the operation of the present Bill, but there was no absolute power taken even in the general measure to override the acts of the Conservancy Boards, even in regard to other rivers where they were doing their work properly. Under the Conservancy Act, it might be, and probably was the case, that the frontagers and occupiers of property had charges placed on them which the Government measure did not impose. He did not think it would be right for every river in England to be placed under the same arrangements by the operation of a general measure. That was not already the case; and it did not at all follow from the fact that a general

measure was considered necessary, that other conservancy bodies would be obliged to conform to the general provisions of that measure.

SIR CHARLES W. DILKE said, he would also make an appeal to his hon. and gallant Friend the Member for Southwark (Colonel Beresford) not to divide the House. He did so, not on the same ground as the other speakers, but as one who agreed with his hon. Friend. He thought it would be better not to divide in opposition to the decision of the Select Committee. It was quite clear that it would be of no use to divide the House; and he hoped, therefore, that his hon. and gallant Friend would not do so. He had only one other remark to make. His right hon. Friend the Chairman of the Committee (Mr. W. E. Forster) had given a fair account of the matter, except in one single respect. In answer to the hon. and learned Member for Carmarthen (Mr. B. Williams), the right hon. Gentleman referred to the case of *Hudson v. Tabor*. He thought his right hon. Friend was wrong in saying that that case did not apply to the Metropolis. [Mr. W. E. Forster said, it was not certain that it did.] He would remark that that question was not really gone into by the Committee; and certainly, in the opinion of some of the Members of the Committee, the case of *Hudson v. Tabor* clearly bore upon the matter.

COLONEL BERESFORD said, that, in accordance with the general wish of the House, he would not press the Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill, as amended, *considered*; to be read the third time.

QUESTIONS:

INDIA—VILLAGE "PANCHAYETS" OR COURTS OF ARBITRATION.

QUESTION.

MR. CAMPBELL-BANNERMAN (for Sir David Wedderburn) asked the Under Secretary of State for India, Whether the attention of the Secretary of State has been directed to the Memorial of

the East India Association praying for inquiry—

"Whether the delay, vexation, uncertainty, and expense of litigation might not be materially reduced by restoring the ancient and customary institution of village Panchayets,"

or courts of arbitration; and, whether any practical measures have been adopted by the Government in reference to this Memorial?

MR. E. STANHOPE, in reply, said, that the question referred to by the hon. Member had been carefully considered; and a Bill on the subject prepared by the Government of Bombay, based on the suggestion of the Home Government, was now before the Supreme Council of India.

SELECT COMMITTEE ON PARLIAMENTARY REPORTING—THE REPORT.

QUESTION.

MR. CHAMBERLAIN asked Mr. Chancellor of the Exchequer, Whether, before any steps are taken to carry out the recommendations of the Report of the Committee on Parliamentary Reporting, he will undertake that an opportunity shall be previously given to this House of expressing an opinion thereon?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that, as far as he knew, the Committee on Parliamentary Reporting had not yet laid their Report upon the Table—in fact, he believed they had not reported; and he could not, therefore, say what course might be taken with regard to their recommendations. He presumed, however, that any steps they might recommend would be such as would, of necessity, have to come before the House before anything could be done. But, as he had already indicated, he spoke entirely in the dark as to what their Report might be.

MR. CHAMBERLAIN gave Notice that he would ask a Question on the subject when the Report was prepared.

FLOGGING IN THE ARMY.—QUESTION.

MR. HOPWOOD asked the Secretary of State for War, Whether his attention has been drawn to a statement in the number of "Truth" of the 8th instant—"Three troopers of the 1st Dragoon Guards were flogged on their voyage out

Mr. Slater-Booth

for gross insubordination ; ” and, if he is aware, or, if not, will inquire, whether such punishment was inflicted ; if so, on board what ship and under what circumstances, whether after trial by court martial, and what was the sentence ?

COLONEL STANLEY: Sir, I did not see the statement referred to ; but I have made inquiry, and have ascertained that three men of the 1st Dragoon Guards were tried by court martial on board the transport ship *Spain*. The sentence on the first two was that they should receive 25 lashes, and the sentence on the third was that he should receive 20 lashes. I believe these sentences were carried out.

ARMY — COURT OF INQUIRY AT NETLEY IN 1873.—QUESTION.

SIR ALEXANDER GORDON asked the Secretary of State for War, Whether it is true that Colonel Cameron succeeded Colonel Hawley as President or Member of a Court or Board of Inquiry which assembled at Netley in 1873 to investigate certain irregularities ; and, if so, if he will explain how his name came to be omitted from the Return asked for by the House—

“Of the names of all officers who sat as President or as Members of any Court of Inquiry held to investigate the irregularities which led to the trial of Assistant Controller Godrich ; ”

and, whether it is true that Colonel Cameron, having sat on the Court of Inquiry which investigated the irregularities above mentioned, was afterwards the President of the Court Martial held for the trial of the person who was thereby implicated ?

COLONEL STANLEY, in reply, said, he was informed that it was not the case that Colonel Cameron succeeded Colonel Hawley as president or member of the Court of Inquiry.

SIR ALEXANDER GORDON said, he would repeat his Question on Thursday, and at the same time would ask the Secretary of State for War if he would take steps to ascertain whether Colonel Cameron did or did not sit on any Court of Inquiry held to investigate the matters referred to. What he wanted to know was whether the officer referred to was or was not a member of such a Court of Inquiry ?

COLONEL STANLEY said, he was sorry if he had not made his former

answer sufficiently clear. He was positively informed, and had no reason to doubt, that Colonel Cameron had not been a member of such a Court of Inquiry.

SIR ALEXANDER GORDON said, he would ask, on Thursday, why the Return in question was not in accordance with the terms that had been adopted in the Address moved to the Crown.

SOUTH AFRICA — THE ZULU WAR— TRANSPORT SERVICE IN NATAL.

QUESTIONS.

MR. W. H. JAMES asked the Secretary of State for War, Whether it is true that the transport service in Natal is paying for the hire of waggons at the rate of £80 each per month, besides engaging to pay drivers' wages and to make good any injury done either to the waggons or the bullocks ; whether equally exorbitant prices are being paid for the requisites needed by the troops engaged in military operations in Zululand ; and, whether, having regard to the great expenditure of English money involved in these transactions, it is not desirable that the Commander in Chief should be instructed to “requisition” the articles he needs, and to pay for them at a fair valuation ?

COLONEL STANLEY: Sir, I have reason to believe that the hire of waggons has, in certain cases, reached the amount stated in the first Question of the hon. Member ; but it includes the wages of the drivers, who only draw commissariat. I should add that the waggons convey from two to three tons, and are drawn by from 14 to 16 oxen. With regard to the second Question, it is not the case that equally exorbitant prices are being paid for the requisites needed by the troops engaged in military operations in Zululand. The Departments made such shipments as they thought necessary to give us command of the market, and the prices of the main articles of supply are now very moderate in Natal, so much so that in some cases we are reducing the shipments. With regard to the third Question, the War Department in February last drew the attention of the Colonial Government to the exorbitant charges on account of transport, and requested that measures should be adopted, by requisition, or otherwise, of obtaining the

necessary transport on paying reasonable rates. Instructions have been sent, and recently repeated, to Sir Henry Bulwer, that such steps should be taken as might be deemed necessary in order to secure proper provision for transport. It has not been found necessary to resort to requisition for other supplies.

MR. W. H. JAMES asked, if it would be convenient to produce the Papers in connection with the whole Transport Service in Natal?

COLONEL STANLEY said, the House was already in possession of the substance of the Papers. He did not know that it would be convenient to produce all the Departmental Correspondence; but he would look through it to see if there was anything of public interest.

PARLIAMENT — BUSINESS OF THE HOUSE—DEBATE ON THE INDIAN BUDGET.—QUESTION.

MR. W. E. FORSTER: Will the right hon. Gentleman the Chancellor of the Exchequer state, for the convenience of the House, whether, in case the debate on Indian Finance is not concluded on Thursday, it is the intention of the Government to postpone the discussion until Monday, or to resume it on Friday?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it would, of course, be more convenient to the House generally that if the debate is not concluded on Thursday, it should be resumed on Friday. The only question is as to the position of those hon. Gentlemen who have Notices upon the Paper for the latter day. The first of those Notices is one by the hon. Member for Roscommon (the O'Connor Don) with regard to Elementary Education in Ireland; and I have been informed by that hon. Gentleman that if there should be a general wish on the part of the House to proceed with the discussion on Indian Finance on Friday, and if those Members who have Notices below him will consent to take a similar course, he will be prepared to waive his right. The next is a Motion by the hon. Member for Hackney (Mr. Holms). I do not know what that hon. Gentleman's view may be; but, as he is present, he will probably tell us. The third Motion is in the name of the hon. Member for Stoke-on-Trent (Dr. Kenealy). That hon. Gentleman is not

Colonel Stanley

present; but I presume that if the others give way he will do so also.

THE O'CONOR DON said, he would certainly not stand in the way of the wishes of the House; but if he gave up the first place on Friday, he might possibly ask the Chancellor of the Exchequer for a few hours of Government time on some other day, and he hoped his request might be favourably considered.

MR. J. HOLMS also consented to give way; but stipulated that the Government should help to keep a House for him if he succeeded in getting another night.

MR. A. H. BROWN asked, if there would, under the altered circumstances, be a Morning Sitting on Friday?

THE CHANCELLOR OF THE EXCHEQUER said, there would not.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION
BILL.—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 16th May.*]

Bill considered in Committee.

(In the Committee.)

Redress of Wrongs.

Clause 42 (Mode of complaint by officer).

Amendment proposed, in page 18, line 2, to leave out from the word "thereon" to the end of the Clause.—(*Major Nolan.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MAJOR NOLAN said, at the last sitting of the Committee this Amendment was moderately discussed; but its consideration had not terminated when Progress was reported. Hon. Members would see that the clause was divided into two sections. The first was a paraphrase of the 12th Article of War. It gave the officer who thought himself wronged by his commanding officer the right of appeal to the Commander-in-Chief, and to that he made no objection whatever. But the second part of the clause, which punished an officer who knowingly made

any false statement affecting the character of any officer or soldier, was entirely new, and so was the sub-section in the next clause which punished any soldier for the same offence, except that the provision was complicated by further and still worse provisions. In every dispute between an officer and his commander there would certainly be something which would come under this head. To say anything about the temper of the commander, or his knowledge of his duties, or anything of that kind, would certainly be to make charges "affecting his character." What, he fancied, would happen under such circumstances, as the dispute would generally resolve itself into a contention regarding matters of fact, would be that the central authority would say—"The complainant stated one thing, and the commander another directly opposite to it. This must be on one side or the other a matter of wilful misstatement. As one side or the other must be making a false statement, we will decide who it is by trying the junior officer." If that were done, the officer would be placed in a very unpleasant position, and the effect would be very perceptibly to keep down complaints, for an officer would not at all care to be transformed from a complainant to a prisoner under arrest. Nine-tenths of the men would not like to be thus tried by court martial, and would prefer to put up with the injustice. He did not think this sub-section was wanted, for there were plenty of other clauses in the Bill under which an officer could be tried if he made a false statement; and he especially thought it was undesirable to insert these words in that particular position, just following the words which gave an officer power to complain.

COLONEL STANLEY could not see anything objectionable in guarding this power of complaint, which might otherwise be very considerably abused, by this Proviso. It did not punish an officer for making a statement not strictly accurate; but punished the officer who wilfully made a false statement, or knowingly or wilfully suppressed any material fact. Whether he had done so or not would be a matter for the court martial to determine; and he felt certain that no court martial sworn to do justice would lightly find an officer guilty of this serious charge. Certainly, if there were any bias in the minds of the court martial,

it would be to lean in favour of the officer, where there was any doubt at all in the case. He could not assent to the doctrine laid down, by implication, by the hon. and gallant Gentleman (Major Nolan), that an officer was to be held blameless if he knowingly made any false statement, or wilfully suppressed any material facts.

MR. RYLANDS thought the right hon. and gallant Gentleman (Colonel Stanley) had missed the force of the objection to this clause. It was not for a moment maintained that an officer who made a false charge in this way was not to be punished; but there were one or two clauses in the Bill which, at present, were wide enough to punish this offence. What his hon. and gallant Friend (Major Nolan) objected to was not the punishment, but the placing of this punishment in juxtaposition to the clause giving the power of appeal. It seemed to say to the officer—"If you complain, and if in consequence of that complaint there is a court martial, then, if you have made any false statement in regard to your commanding officer, you shall be put on your trial for that also." The presence of those words would have a very deterrent effect on all complaints. They all knew from their own experience that two parties describing the same transaction would give very different accounts of it. Thus, it might very well happen that an officer, without any intention to deceive, might wilfully state that which afterwards turned out to be a falsehood. He also resisted the insertion of these words in the present place, because he was still more strongly opposed to their appearance in the next clause which dealt with the case of the soldier. It was most important that that sub-section should be resisted, and that a threat should not be held over a soldier in this way, preventing him from taking such steps as he might think right for the promotion of what he believed to be his interests. They ought certainly, if that clause was to be rejected, to put the officer and the soldier on the same basis.

COLONEL STANLEY said, the hon. Gentleman (Mr. Rylands) seemed to have abandoned the position taken up by the hon. and gallant Gentleman the Member for Galway (Major Nolan). He did not himself think that the general words in other clauses, and notably in Clause 27, were sufficiently explicit to

necessary transport on paying reasonable rates. Instructions have been sent, and recently repeated, to Sir Henry Bulwer, that such steps should be taken as might be deemed necessary in order to secure proper provision for transport. It has not been found necessary to resort to requisition for other supplies.

MR. W. H. JAMES asked, if it would be convenient to produce the Papers in connection with the whole Transport Service in Natal?

COLONEL STANLEY said, the House was already in possession of the substance of the Papers. He did not know that it would be convenient to produce all the Departmental Correspondence; but he would look through it to see if there was anything of public interest.

PARLIAMENT — BUSINESS OF THE HOUSE—DEBATE ON THE INDIAN BUDGET.—QUESTION.

MR. W. E. FORSTER: Will the right hon. Gentleman the Chancellor of the Exchequer state, for the convenience of the House, whether, in case the debate on Indian Finance is not concluded on Thursday, it is the intention of the Government to postpone the discussion until Monday, or to resume it on Friday?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it would, of course, be more convenient to the House generally that if the debate is not concluded on Thursday, it should be resumed on Friday. The only question is as to the position of those hon. Gentlemen who have Notices upon the Paper for the latter day. The first of those Notices is one by the hon. Member for Roscommon (the O'Connor Don) with regard to Elementary Education in Ireland; and I have been informed by that hon. Gentleman that if there should be a general wish on the part of the House to proceed with the discussion on Indian Finance on Friday, and if those Members who have Notices below him will consent to take a similar course, he will be prepared to waive his right. The next is a Motion by the hon. Member for Hackney (Mr. Holms). I do not know what that hon. Gentleman's view may be; but, as he is present, he will probably tell us. The third Motion is in the name of the hon. Member for Stoke-on-Trent (Dr. Kenealy). That hon. Gentleman is not

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present; but I presume that if the others give way he will do so also.

THE O'CONOR DON said, he would certainly not stand in the way of the wishes of the House; but if he gave up the first place on Friday, he might possibly ask the Chancellor of the Exchequer for a few hours of Government time on some other day, and he hoped his request might be favourably considered.

MR. J. HOLMS also consented to give way; but stipulated that the Government should help to keep a House for him if he succeeded in getting another night.

MR. A. H. BROWN asked, if there would, under the altered circumstances, be a Morning Sitting on Friday?

THE CHANCELLOR OF THE EXCHEQUER said, there would not.

ORDERS OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 16th May.*]

Bill considered in Committee.

(In the Committee.)

Redress of Wrongs.

Clause 42 (Mode of complaint by officer).

Amendment proposed, in page 18, line 2, to leave out from the word "thereon" to the end of the Clause.—(*Major Nolan.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MAJOR NOLAN said, at the last sitting of the Committee this Amendment was moderately discussed; but its consideration had not terminated when Progress was reported. Hon. Members would see that the clause was divided into two sections. The first was a paraphrase of the 12th Article of War. It gave the officer who thought himself wronged by his commanding officer the right of appeal to the Commander-in-Chief, and to that he made no objection whatever. But the second part of the clause, which punished an officer who knowingly made

any false statement affecting the character of any officer or soldier, was entirely new, and so was the sub-section in the next clause which punished any soldier for the same offence, except that the provision was complicated by further and still worse provisions. In every dispute between an officer and his commander there would certainly be something which would come under this head. To say anything about the temper of the commander, or his knowledge of his duties, or anything of that kind, would certainly be to make charges "affecting his character." What, he fancied, would happen under such circumstances, as the dispute would generally resolve itself into a contention regarding matters of fact, would be that the central authority would say—"The complainant stated one thing, and the commander another directly opposite to it. This must be on one side or the other a matter of wilful misstatement. As one side or the other must be making a false statement, we will decide who it is by trying the junior officer." If that were done, the officer would be placed in a very unpleasant position, and the effect would be very perceptibly to keep down complaints, for an officer would not at all care to be transformed from a complainant to a prisoner under arrest. Nine-tenths of the men would not like to be thus tried by court martial, and would prefer to put up with the injustice. He did not think this sub-section was wanted, for there were plenty of other clauses in the Bill under which an officer could be tried if he made a false statement; and he especially thought it was undesirable to insert these words in that particular position, just following the words which gave an officer power to complain.

COLONEL STANLEY could not see anything objectionable in guarding this power of complaint, which might otherwise be very considerably abused, by this Proviso. It did not punish an officer for making a statement not strictly accurate; but punished the officer who wilfully made a false statement, or knowingly or wilfully suppressed any material fact. Whether he had done so or not would be a matter for the court martial to determine; and he felt certain that no court martial sworn to do justice would lightly find an officer guilty of this serious charge. Certainly, if there were any bias in the minds of the court martial,

it would be to lean in favour of the officer, where there was any doubt at all in the case. He could not assent to the doctrine laid down, by implication, by the hon. and gallant Gentleman (Major Nolan), that an officer was to be held blameless if he knowingly made any false statement, or wilfully suppressed any material facts.

MR. RYLANDS thought the right hon. and gallant Gentleman (Colonel Stanley) had missed the force of the objection to this clause. It was not for a moment maintained that an officer who made a false charge in this way was not to be punished; but there were one or two clauses in the Bill which, at present, were wide enough to punish this offence. What his hon. and gallant Friend (Major Nolan) objected to was not the punishment, but the placing of this punishment in juxtaposition to the clause giving the power of appeal. It seemed to say to the officer—"If you complain, and if in consequence of that complaint there is a court martial, then, if you have made any false statement in regard to your commanding officer, you shall be put on your trial for that also." The presence of those words would have a very deterrent effect on all complaints. They all knew from their own experience that two parties describing the same transaction would give very different accounts of it. Thus, it might very well happen that an officer, without any intention to deceive, might wilfully state that which afterwards turned out to be a falsehood. He also resisted the insertion of these words in the present place, because he was still more strongly opposed to their appearance in the next clause which dealt with the case of the soldier. It was most important that that sub-section should be resisted, and that a threat should not be held over a soldier in this way, preventing him from taking such steps as he might think right for the promotion of what he believed to be his interests. They ought certainly, if that clause was to be rejected, to put the officer and the soldier on the same basis.

COLONEL STANLEY said, the hon. Gentleman (Mr. Rylands) seemed to have abandoned the position taken up by the hon. and gallant Gentleman the Member for Galway (Major Nolan). He did not himself think that the general words in other clauses, and notably in Clause 27, were sufficiently explicit to

cover this clause; and, therefore, he did not think there was anything unreasonable in his desire that these words should remain.

MR. HOPWOOD very much regretted the decision of the right hon. and gallant Gentleman, for he thought the position taken up by the Mover of the Amendment was a most reasonable one. They pretended by this clause to give the officer the power of appeal; but, at the same time, they accompanied that power by words which seemed to say—"We repent giving you this power of appeal, and, therefore, we will hold over you *in terrorem* the chance of this charge being made against you if you should resort to that power of appeal, which we affect to ask you to thank us for having granted to you." The mere fact that the one part of the clause was put in juxtaposition to the other was a matter of very serious signification. It was a warning held out to any officer not to appeal if he felt he was suffering from any serious wrong. They were all, of course, agreed that if an officer knowingly made any false statement he should be punished. That was not the question. The point he and his hon. Friends wished to urge was, that the placing of these words in their present position would raise a dread in the mind of a man having a fair right and ground of appeal that he might have some charge made against him. That might easily happen, resulting in the interchange of position between accused and accuser. Take, for instance, a case in which the whole question at issue might turn on the truth of one of two persons. The inferior officer might have very good ground of complaint; but he might have no evidence, except his own statement, and he would have against him the superior rank of his opponent, any services he might have rendered, a hundred things of that kind, which would weigh down, in a matter of this kind, even the truth. There would certainly be temper evolved in a matter of this kind; the charge might even be something in some degree disgraceful to the commander, and then, although there was good ground of appeal, the commander would be able to become the assailant, and to say—"You have knowingly made a false charge against me." The whole question would depend upon the sole word of the commander; and, again,

his rank, his services, his position, and a hundred other things, might prevail to secure the conviction. He did venture to say that in any Civil Court of Appeal there was no such provision as that punishment should follow the making of the appeal. If there was false swearing, let it be punished as false swearing, and let the matter be tried independently of whether any appeal had been made or not. There was already power to punish false swearing, which included the wilful suppression of any material fact. He really thought that they had a right to complain of the way in which these words were inserted in the clause, offensively staring in the face of every one who wished to appeal.

MR. FORSYTH asked if hon. Members were contending that an officer or soldier who made a false statement was not to be punished? Surely, there was nothing more worthy of punishment than the offence of an officer or soldier who knowingly made a false statement accusing another. If made on oath, he would be liable to an indictment for perjury; but if not made on oath, still the false statement was a grave offence, and there certainly was nothing which was more deserving of punishment.

SIR WILLIAM HARCOURT said, if there was any alteration made in the law which the Committee considered to be in favour of the soldier, it was the change made in this clause. Under the old practice, the soldier was sometimes punished for making statements which, though he himself believed them to be *bond fide*, yet broke down for want of evidence. It was that state of things which the Committee desired to obviate. The 13th Article of War, after allowing complaints to be made, enacted that if on appeal they should be pronounced groundless and vexatious, the soldier should be sentenced to such punishment as the court might direct. The words in the present clause were much more favourable to the soldier. Before, if a complaint were not proved, it was groundless, and from that it was a very short step to declare it also vexatious, and to punish it. But now the complaint was required to be one which the officer or soldier knew to be false, and which affected the character of some other officer or soldier. It was impossible to make a provision more entirely in favour of the officer. Their object was to give

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the officer or soldier the widest latitude, and yet to take care that these complaints should not be made for libellous or improper purposes. The great object of this clause was to remove the impression which might have existed in the minds of the soldiers that if they appealed they were likely to be punished, and the words had been chosen with the greatest care with that object.

SIR WILLIAM CUNINGHAME could not help thinking it would be as well to make this offence punishable under a clause by itself. Why could not they have a fresh clause, with another number, making it an offence to make any false statement affecting the character of any officer or soldier. There would be a slight advantage in separating a penal clause from a clause giving the power of appeal, and he hoped the right hon. and gallant Gentleman would consent to make the alteration.

SIR HENRY HAVELOCK marvelled that his hon. and gallant Friend (Major Nolan) should not have seen that this clause was expressly framed by the Committee, at the greatest pains and trouble, for the express purpose of providing that there should be no restriction whatever on the right of appeal, except it was shown that the appellant had wilfully and knowingly made a false statement, or suppressed important facts. What was the effect of the proposal as compared with the present state of the law? A soldier conceived himself aggrieved, and might make a statement which was perfectly *bond fide*, and which he yet failed in entirely proving. On that, and in connection with it, the court martial had the power to declare, upon the evidence given to establish the appeal, that it was vexatious and groundless, and thereupon to sentence the appellant to two years' imprisonment. Now the law was so altered that the soldier might make any statement, and bring any charge he liked, so long as he did not bring himself within the provisions of this sub-section. There could not be any comparison between the one law and the other. He must say, however, that he did not think any advantage was gained by doing away with the intermediate Court of Appeal. Formerly, there was first an appeal to a regimental Court of Inquiry, and that very often, by doing substantial justice be-

tween the two parties, prevented the appeal from going any further. If the hon. and gallant Gentleman would alter his Amendment so as to leave out the last words of the clause, which he could not at all see the use of, and return to the old form of procedure, he should be very glad to support him.

MAJOR NOLAN replied, that that Amendment properly belonged to Clause 43, and he should be happy to accept it, when they came to that. With reference to the suggestion of his hon. Friend (Sir William Cuninghame), that this punishment should be put in a clause by itself further on, he wanted to point out that this matter had been amply dealt with in Clause 27. It declared that—

"Every person subject to military law who . . . being an officer or soldier makes a false accusation against any other officer or soldier, knowing such accusation to be false," &c.

That seemed to him to cover every possible case, and it did not connect the right of complaint with the punishment, as was at present done by this clause. Anyone who committed this offence could also be tried under Clause 25, which provided that any officer who made any false statement, or made any fraudulent omission in any official document, should be subject to punishment. He believed it had also been the custom, where any officer brought a false charge against any other officer, to try him, under Clause 16, for character unbecoming the conduct of an officer and a gentleman. Again, he might be tried, under Clause 40, for conduct contrary to good order and discipline, though he admitted that these two last clauses did not deal so specifically with the offence as the first he mentioned. But Clause 27 did give the fullest power of punishment that it was possible for anyone to want; and he could only suppose that this sub-section was put in as a sort of sub-section to frighten officers from making complaints, which it would be certain to do very effectually. He should also wish to restore the old Court of Inquiry; for, under the old law, a soldier could not be punished for the first appeal, whereas now he could be so punished.

SIR HENRY JAMES thought that Clause 25 would not cover this offence, for the words there were—

"In any report, return, muster roll, pay list, certificate, book, route, or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy—(a.) knowingly makes or is privy to the making of any false or fraudulent statement; or (b.) knowingly makes or is privy to the making of any omission with intent to defraud;"

while the words in the remaining subsection, "furnishing any false declaration," were clearly *ejusdem generis*. Clause 27 only covered the case of a false accusation, and did not deal with the case of a false statement, which was not an accusation; while, in Clause 42, the case of the wilful suppression of any material fact was provided for, which was not met by Clause 27.

MR. HOPWOOD would like to know the construction his hon. and learned Friend put upon the words "or knowingly and wilfully suppresses any material facts." There were no guarding words following, as in the previous case, "affecting the character of any officer or soldier." Any man might have his own opinion, and it must, after all, be always matter of opinion what were "material facts;" so that a man who did not mention a fact which he considered immaterial might be tried if that fact was considered by a higher authority to be material. It was a fair specimen of the way in which military offences were created in an Act like this.

SIR HENRY JAMES replied, that his hon. and learned Friend would know the legal maxim, that *suppressio veri* might be the same thing as *suggestio falsi*. If this suppression did not amount to that, it would be no offence.

MR. HOPWOOD said, that it amounted to this—that in making a false statement would be included knowingly omitting anything which ought to have been stated. Without making a legal struggle about the matter, he would crave, in aid, therefore, the legal maxim which his hon. and learned Friend had quoted.

SIR WILLIAM HARCOURT thought a fair instance would be, if a soldier said he saw the sergeant knock another soldier down, and suppressed the fact that he was at the time setting the barracks on fire. That was what he should call the suppression of a material fact, because, under those circumstances, the sergeant would be perfectly justified against using force, which otherwise would be wrong.

Sir Henry James

SIR ALEXANDER GORDON had no doubt that the Committee had been struck by the remark of the hon. and learned Gentleman the Member for Oxford (Sir William Harcourt) that the Select Committee carefully considered the wording of this paragraph. Under the circumstances, hon. Members would, no doubt, be surprised to hear that neither this paragraph, nor anything at all like it, was ever before the Committee. If hon. Members would turn to page 147 of the Report, they would see that Clause 44 contained only the first paragraph, and that no reference was made to the second paragraph now before the Committee.

SIR WILLIAM HARCOURT begged to explain. What he said was that the Committee recommended the introduction of some such words.

SIR ALEXANDER GORDON was quite prepared for that explanation, and if hon. Members would turn to page 6 of the Report, they would be able to see what was the recommendation of the Committee. The words were—

"Care should be taken that complaints should not be visited with punishment under the general clause against conduct in breach of good order and military discipline."

That was the thing against which the Committee recommended that provision should be made. Perhaps the right hon. and gallant Gentleman (Colonel Stanley) would consent to a change in the clause which would make a material difference, and, instead of the words "knowingly makes any false statement," would substitute the words "makes any statement knowing the same to be false." There was an important difference between these two forms of words, although it might not appear so. Complaints to Commanders-in-Chief were always the result of a long course of injustice, often springing from no overt act. An officer might be generally tyrannical; or he might take an objection to some one of his subordinates for some trifling thing, such as not taking his hat off to his wife, and this conduct might have gone on until the officer had to appeal for justice. It then became very difficult to say what was the truth, and what was not. An officer might knowingly make a false statement, believing it to be true; but if it was proved to be incorrect, then, under this clause, he might be tried for making the statement. The

alteration he suggested would meet the case, although, at the same time, he would far rather see the whole clause struck out.

MR. PARNELL thought it would be very important if they could induce the Government to separate the threat of punishment from the clause giving the power of appeal. At present, it looked very much as if the Government were giving with one hand what they took away with the other. The evidence before the Select Committee went in the direction of showing how very necessary it was to guard this right of making complaints from punishment. The Committee had evidence to show that soldiers were undergoing imprisonment of 363 days, simply for making a complaint; and the recommendation of the Committee was not that care should be taken that a soldier should be punished for making a false statement, but it was, on the contrary, that care should be taken that a soldier should not be punished merely for making a complaint. This second clause had been introduced by the Government since the Bill was before the Select Committee, and never was before them at all. In fact, any part of their Report which dealt with the matter went directly against the introduction of the clause, for their intention was to guard the soldier against the fear of punishment in making appeals. It was absurd to say that an officer or soldier could not be punished under other clauses for making false statements, for there were many other clauses which provided for this offence. For instance, there was Clause 40, which provided that—

“Every person subject to military law who commits any of the following offences, that is to say, is guilty of any act, conduct, disorder, or neglect, to the prejudice of good order and military discipline, though not in this Act otherwise specified.”

Certainly, an officer making a false statement affecting the character of any other officer or soldier could be tried under that clause if no other provision were made for the punishment of the offence. Besides, by inserting these words in the next clause, they did that which was very dangerous—they made it all important that the officers composing the court martial—though he believed they might have every desire to be fair—should believe the word of the officer against

that of the soldier. This provision was a most dangerous one; it was never contemplated by the Select Committee; it was the scheme of the War Office, inserted since the Bill was discussed by the Select Committee, and he hoped the words would not be inserted now.

MR. MEREWETHER thought that they were wasting time in discussing this matter. The hon. Member opposite (Mr. Parnell) did not give them very much of his assistance on the Committee, and it was hardly fair to say that this matter was not before them. It was precisely dealt with as explained by the hon. and learned Member for Oxford (Sir William Harcourt). The question was discussed at great length, not with evidence, but with the assistance of all the military Members of the Committee. They heard the hon. and gallant General opposite (Sir Alexander Gordon), especially, a good many times on the subject; and it was finally agreed that the stringency of the words ought to be reduced, so that the soldier should no longer be able to think he was convicted for making a complaint when, really, he was convicted for making a false statement. The danger to be guarded against was that in making a statement the officer or soldier might take the opportunity of making false statements about other persons. After much discussion that conclusion was accepted, and, as he believed, the draftsman followed the very words suggested by the Chairman. Therefore, it was hardly fair, after several hours had been spent on this discussion, to say that these words were entirely new, and that they were put into the Bill by the War Office, when, in fact, they were put in as the result of the deliberations of the Committee.

MAJOR NOLAN pointed out that hon. Members generally could not be expected to know of that private discussion. They could only judge of what took place by what appeared in the Report of the Committee, and the evidence attached.

SIR ALEXANDER GORDON was very sorry to trouble the Committee again; but he could not allow the erroneous views of the hon. and learned Member for Northampton (Mr. Merewether) to go unchallenged. Before the Select Committee, it was pointed out by Sir Henry Thring that the right of the

soldier to appeal under Article 13 was different to the right of the officer under Article 12. The soldier only had the right of appeal to the Commander-in-Chief in matters affecting his pay and clothing; while the officer had the right of appeal upon every subject under heaven. They were urged to put the soldier upon the same footing as the officer; and if hon. Members would look at the Report, they would see that was so. The Report said—"Oh, oh!"—If hon. Members did not like to pay attention, they had better go out into the Lobby. The Report said, page 6—

"The matters dealt with by the 12th and 13th Articles of War under the head of 'Redress of Wrongs' appear to your Committee to require amendment. The 13th Article of War, which applies to non-commissioned officers and soldiers, is restricted to matters affecting their pay and clothing. Your Committee are of opinion that the opportunity to make complaints for the redress of wrongs should be afforded in as full a manner to non-commissioned officers and soldiers as to officers, and that whilst the act of preferring wilfully false charges should be constituted a specific, care should be taken that complaints should not be visited with punishment under the general clause against conduct in breach of good order and military discipline."

That showed the Committee merely wished the soldier to have as free liberty for making complaints as the officer had; but the Committee never thought of putting in the rider they were now considering, and it was the addition of some person after the Bill left the Committee.

MAJOR O'BEIRNE simply rose to corroborate this statement, and to contradict the assertion that this matter received careful consideration. They only took the evidence of the Judge Advocate General, which was to the effect that he had only found one case in which wrong was done, and he examined 800 courts martial in a year.

SIR HENRY HAVELOCK doubted if the hon. Member for Meath (Mr. Parnell) quite saw the effect of what he proposed? His objection to the introduction of this sub-section was that many other clauses would punish this offence, and they were referred to the 40th clause; but they heard a great deal about that clause when it was under discussion, and the objection to it was that it was so exceedingly vague in its nature that any offence might be tried under it. The result would be that,

instead of trying the officer for making a false statement, knowing it to be false, as provided by this clause, they would, if these words were omitted, try the officer for making the false statement, without requiring the allegation that it was wilfully false. In fact, the charge could be as loose and vague as possible. Surely it would be better for the officer to be tried under this clause than under Clause 40, which put him at much greater disadvantage. It had been objected, again, that under this clause the court martial would unite two conflicting functions, and would settle at once the appeal and the punishment. That was the very thing the Committee desired to avoid. The case, cited to them by Mr. O'Dowd, of a soldier who, because he misconceived the functions of the court martial before which he was tried, and appealed, was sentenced for making a groundless and vexatious appeal, did seem very startling, and the Committee desired to avoid such a thing for the future. Yet some hon. Gentlemen were apparently so enamoured of the old law that they desired to retain it, although the Committee recommended the change.

MR. A. H. BROWN begged to call the attention of the right hon. and gallant Gentleman to an omission in the wording of the clause, which certainly required rectification. Under the clause, there were two offences provided for. The first was "knowingly making any false statement;" and then followed the governing words, "affecting the character of any officer or soldier." Then came the second offence—"or knowingly and wilfully suppresses any material facts." After those words, there surely ought to be inserted the same words as followed the enunciation of the first offence—"affecting the character of any officer or soldier," because, otherwise, the offence would not be limited, as the governing words at present only limited the first offence.

GENERAL SIR GEORGE BALFOUR was sorry that the hon. and learned Member for Northampton (Mr. Meredith) had commented on the absence from the meetings of the Select Committee of the hon. Member for Meath (Mr. Parnell), because he remembered at the time that hon. Member was appointed that he urged he was already upon another important Committee, and could devote very little time and atten-

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tion to this one. He was himself very anxious to see a full and thorough inquiry into the condition of their military law; but he was bound to say that, in his opinion, the Select Committee by no means carried out the clear intention of the House in appointing it. He fully admitted the great ability displayed by the hon. and learned Member for Oxford (Sir William Harcourt), as Chairman of that Committee; but the very Report showed that they were hurried for time, and did not make the inquiry so full as it should have been. It was much to be regretted, also, that no changes were made in the Bill. It was no use bringing forward Amendments, for they were all rejected; and he was not quite sure that the discussion had not degenerated into a Party fight, which was much to be regretted for the sake of the Army. The Bill was by no means a good one, and it required great improvement. ["Oh, oh!"] Hon. Members might grumble; but he should speak frankly, and he did say that he viewed with dissatisfaction and alarm the state of the Army. He did not blame the present Government alone for that; others must take their share of it. The two things which were essential in an Army were—first, that all officers and men should be convinced of the necessity for obedience; and, next, that they should all feel that their grievances would be listened to. He had never known any harm come of listening to the complaints of officers or soldiers, and, so far from preventing them, it would be a wise and prudent thing if a Court of Inquiry were ordered to meet once a month in every regiment to receive complaints. [*Laughter.*] Hon. Members might laugh; and, perhaps, at first they might have a great many complaints; but they would soon disappear, and then the officers and men would certainly be a great deal more contented. Had there not been cases in which officers had been told that their complaints were unfounded, and yet they had maintained their complaints in the face of the highest authorities? The House of Commons had almost unanimously resolved that the complaints of those officers were well founded. Yet, for five years, they had been trying to make themselves heard, while the authorities had been trying to put them down. If the authorities

had had the power, would not some of those officers have been sent before a court martial, and was not one of them actually put upon half-pay? He was, of course, quite willing to punish the making of false statements; but that might be done by adding a few words to Clause 27, and then the Government would have got all they could possibly want.

Mr. PARNELL said, the hon. and gallant Gentleman (Sir Henry Have-lock) thought him very illogical for wanting this Proviso omitted; but he wished to point out to him that if that were done, the officer or soldier was not any more liable to the punishment. The intention of the Committee was to prevent the soldier from suffering any consequences from making a complaint, unless he knew it to be false; and it was perfectly useless to quote them in support of the additions which were never before them, and had been tacked on since. He did hope that the right hon. and gallant Gentleman would re-consider his decision.

SIR WILLIAM HARCOURT, as they were fighting about a thing of no importance, would venture to suggest that the views of the hon. and gallant Gentleman could be met consistently with the objects of the Bill. The second paragraphs of Clauses 42 and 43 might be omitted, subject to making provision *a* of Clause 27 apply, by the addition of a few words. If hon. Gentlemen really wished to have the clauses separated, he did not see why it should not be done, and he thought his suggestion would obviate their objections.

COLONEL COLTHURST said, if the words—

"Knowingly makes any false statement affecting the character of any officer or soldier, or knowingly or wilfully suppresses any material facts,"

were inserted in the first paragraph of Clause 27, after the words "knowing such accusation to be false," all that was desired would be obtained, because, of course, everybody wished false statements or wilful omissions of material facts to be punished.

COLONEL STANLEY thought anything coming from his hon. and learned Friend (Sir William Harcourt) was worthy of his attention, especially as he was Chairman of the Committee, and he would accept the suggestion, although

he could not, technically, do at that moment what was advised. The matter could, however, be considered between that time and the Report, and be dealt with on the Report. The main point to be borne in mind was that the power of complaint was to be freely used, but not abused.

COLONEL MURE inquired what was the use of giving concessions with one hand, and taking them away with the other? He was sure some protection was required from unwarrantable complaints, and suggested the insertion of a Proviso which he thought would meet the case.

MAJOR NOLAN did not wish to divide the Committee unnecessarily, and was willing to agree to the suggestion of the hon. and learned Member for Oxford (Sir William Harcourt). He did not wish to have connected the making of a false statement and the making of a complaint.

MR. HOPWOOD thought the Secretary of State for War had made a real concession, which obviated the necessity of any further delay.

COLONEL STANLEY, said he was perfectly willing to assent to what the hon. and learned Member for Oxford had proposed, provided the words in question were transferred to another place in the Bill.

MAJOR NOLAN was quite willing that everything should be transferred, except the word "complain," in Clause 27; but he did not want to connect the making of a complaint and punishment. He was quite willing that the making of a false complaint should come within the general principles of the Bill.

SIR WILLIAM HARCOURT remarked, that if the words in question were left out the Committee could get on.

Question put, and *agreed to*; words *struck out* accordingly.

Clause, as amended, *agreed to*.

Clause 43 (Mode of complaint by soldier).

MAJOR NOLAN said, he had an Amendment on the Paper; but he did not intend to move it, in consequence of what the hon. and learned Member for Oxford (Sir William Harcourt) had stated; but he would move that the last paragraph be omitted.

Colonel Stanley

THE CHAIRMAN said, the hon. and gallant Member would be in Order in making that statement when his Amendment was reached; but there were others before it.

MR. J. BROWN said, he did not intend to move his Amendment, on the understanding that the last portion of the clause was to be omitted. His Amendment related to frivolous complaints regarding the necessities and provisions supplied to the soldier. That was a very common complaint in the Army, and was referred to in the Queen's Regulations, and he wished to call to it the attention of those who were in charge of the Bill.

MR. PARNELL said, he had an Amendment, in line 9, after "officer," to insert the words "or non-commissioned officer."

COLONEL STANLEY thought the hon. Member for Meath was not present during the earlier discussions, in which the same point arose, as to whether, in the Definition Clause, the word soldier included, for certain purposes, non-commissioned officer; and it was thought convenient to postpone the question until they came to the Definition Clause.

Amendment, by leave, *withdrawn*.

MAJOR NOLAN called attention to the words "every officer shall cause such complaint to be inquired into," and observed that the old Articles of War provided that there should be a Court of Inquiry, which he thought much better. An officer might inquire into the matter in many ways that would not be satisfactory to the soldier; and if the Secretary of State for War would restore in some way the old Courts of Inquiry, it would be a great advantage. He was quite content to move that the last paragraph be struck out.

Amendment *agreed to*.

Paragraph *struck out* accordingly.

Clause, as amended, *agreed to*.

Punishments.

Clause 44 (Scale of punishments by court martial).

MR. PARNELL said, he had an Amendment, in page 18, to leave out line 35. He had a very strong opinion

that penal servitude was not a punishment that should be awardable by court martial. The nature of the court martial process was so summary, the number of offences against discipline was comparatively so limited, that he did not see any just or sufficient reason why the power of awarding penal servitude should be given to courts martial. He regretted that during the earlier stages of the Bill he was unable to be in his place. Otherwise, he should have raised the question at a time when he thought it would have been more properly raised—namely, upon any of the Clauses 4, 5, 6, 7, 8, 9, 12, and 17, where the power was given to courts martial to award penal servitude for certain offences; and he did not know how far the fact of the Committee having already given courts martial that power would prevent him from insisting upon the Amendment—from taking the opinion of the Committee upon the subject on the present occasion. In the clauses he had referred to, the power to award penal servitude was given for a variety of offences against discipline, and also for offences of a criminal character, such as embezzlement, and so forth. Again, in Clause 12, he found the power to award penal servitude as a punishment for desertion. He thought this was in excess of the old Army Regulations, and when formerly penal servitude could not be awarded for desertion. Then they found, in another clause, that penal servitude might be awarded for striking a superior officer; and there were a variety of offences and breaches of discipline, of a more or less serious character, for which the court martial was entitled to award penal servitude. He might mention that he had placed an Amendment on the Paper diminishing the term of penal servitude to be awarded from five to three years; but he found that he could not move that Amendment, because it would be contrary to some other Acts which regulated the power of all courts. He thought that, as a punishment for breaches of discipline, penal servitude ought really never to be insisted upon. He was of opinion that in every case a term of imprisonment for two years would be amply sufficient, and considered that all ordinary criminal offences were triable by ordinary courts, and not by courts martial. They had, by a preceding clause, excepted certain

offences, such as high treason, murder, and manslaughter—altogether, five offences had been excepted by Clause 41 from the jurisdiction of courts martial—and he thought it would have been very much better if a soldier had been left, in a case of any other offence against the criminal law of the land, to the ordinary courts, where it was possible to bring him to trial before such courts. He would be in favour of giving courts martial the right of trying those offences in times of war; but he saw no sufficient reason why, in times of peace, soldiers should not in any case be brought before the ordinary court for such offences as theft, embezzlement of public money, and so forth; but, by the clause, they had passed, these offences could be tried by courts martial. He was afraid it was rather late to raise the question then; but, in the view of raising it, he begged to move to omit line 35, which gave the courts martial power to award penal servitude. He did so on two grounds—firstly, that all offences against discipline might be sufficiently punished by sentence of imprisonment for two years; and, secondly, that offences against the ordinary law of the land should be tried by the ordinary courts, and not by courts martial.

COLONEL STANLEY said, that the hon. Gentleman summarized his objections to this part of the clause under two heads—first, he thought that these crimes would be sufficiently punished by two years' imprisonment; and, secondly, he thought that all ordinary crimes should be taken to the Civil Courts. Well, if the hon. Gentleman would look at the last sub-section of Clause 41, he would see that a person subject to military law, when in Her Majesty's Dominions, could be tried by any competent Civil Court for any offence for which he was not liable to military law; and in the majority of cases of theft, and so forth, the prisoners were tried by Civil Courts. With regard to the latter proposal of the hon. Gentleman, he (Colonel Stanley) was afraid that he must join issue with him. The fact was this—if it had been possible to deal sufficiently with crimes by sentences of imprisonment only, there would have been no man more willing to have made that proposal than himself; but after careful examination, and the best information he could procure, and after consultation

with his Colleagues, who helped him in framing this Bill, he came to the conclusion that it was impossible to leave out the sentence of penal servitude, and that, in certain cases and under certain circumstances, sentences of imprisonment would not suffice. He believed that was undoubtedly the case in India some years ago. Imprisonment seemed to produce no effect whatever in checking the gross cases—of insubordination, striking officers, and so forth; but when it was directed by General Napier that penal servitude should be more often enforced, that produced an almost entire cessation of these crimes. The Committee had considered this matter in connection with other things; and though they regretted to see penal servitude inflicted, in his opinion it was necessary to retain it in the clause.

GENERAL SIR GEORGE BALFOUR could confirm what the right hon. and gallant Gentleman had said as to what took place in India, and he earnestly urged the hon. Member for Meath (Mr. Parnell) not to press his Amendment. There were many parts of the Bill to which he objected; but now they had got upon a clause in which he was very happy to say that he agreed with the Secretary of State for War. In his own regiment, two years ago, an officer was sentenced to penal servitude, and the same thing had occurred in many instances with regard to soldiers. Even the punishment of death had been resorted to in extreme cases.

MR. MORGAN LLOYD objected to this clause on a different ground. Even assuming it was right to give to courts martial power to sentence to penal servitude in such cases, there was no sufficient reason for limiting the minimum term to five years. There might have been reasons for fixing that minimum at the time it was done, because he believed that at that time the cost of the prisons fell upon the counties, and the expense of keeping the men in penal servitude fell upon the Consolidated Fund; and the Government, in order to limit the amount payable out of the general taxes of the country, fixed that limit. But now that all prisons were supported by the State the reason failed.

THE CHAIRMAN called the hon. and learned Member to Order, stating that his observations related to a later Amendment.

COLONEL ALEXANDER said, that the hon. Member for Meath (Mr. Parnell) expressed a doubt as to whether, under the Mutiny Act, a soldier who deserted, or attempted to desert, could be sentenced to penal servitude. He would rather refer him to the 15th clause of the Mutiny Act, which provided that any person who should desert, or attempt to desert, should suffer death, penal servitude, or not exceeding two years' imprisonment, as by court martial awarded. The general rule had been that when a soldier had been tried three or four times by a garrison court martial he was then tried by a general court martial, with the view of punishing with penal servitude; and he had seen a soldier sentenced to 14 years' imprisonment under the old Transportation Act for a case of desertion.

MR. PARNELL did not wish to take a Division, because he was sensible that the principle of the Amendment would not be favourably entertained at this stage of the Bill. He was sorry he was not able to raise the question at an earlier stage, when it would have been more properly raised. He begged to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. PARNELL said, he was not quite sure whether there could really be introduced into the Bill a provision limiting penal servitude to three years instead of five. The law governing the duration of sentence of penal servitude was very explicit upon this point; but he had heard that it was possible for an Act of Parliament to do anything, and it was quite possible that they might change the present law by means of the alteration which was suggested by his Amendment. He would be very glad if one of the hon. and learned Gentlemen on the front Opposition Bench could have been present on this occasion to give them the assistance which they had been so kind as to give all along in this matter, because he thought this was a question for the lawyer. If they could really do it, he should like to move an Amendment which stood in his name—namely, in page 18, line 35, to leave out the word "five," in order to insert the word "three."

MR. ASSHETON CROSS hoped the hon. Gentleman (Mr. Parnell) would not press that Amendment, for this

reason—they heard last night that the Penal Servitude Commissioners were going to report very shortly. It was one of the special things that he was always anxious that the Commissioners should ascertain as to the difference between the effect of penal servitude and the effect of imprisonment; and he had never been able to see why a court should not have the power to pass a sentence of penal servitude for less than five years. That had always been a great mystery to him. Of course he said nothing, although he might know a great deal, as to the wishes or the feelings of the Penal Servitude Commissioners; but the offer he made to the hon. Member for Meath was this—if the Penal Servitude Commissioners reported in favour of the reduction of the term of penal servitude from five years to three years, he would immediately adopt it, and he thought he could undertake that the military and naval authorities would do the same. That being so, and the Bill being a very long one, he would suggest that they need not waste any time in discussing the point then.

MR. PARNELL said, it occurred to him, after the statement of the right hon. Gentleman the Secretary of State for the Home Department, that they might leave out all reference to the term of penal servitude from this clause, because, manifestly, that term would be governed by the general Acts regulating the sentence which might be imposed. For instance, as the Acts at present stood, the courts martial could not award a less sentence than five years; therefore, it appeared to him to be entirely unnecessary to introduce the term into this Bill. Even supposing the Government decided to alter the term of penal servitude to three years, a general Act would have to be passed for the purpose.

MR. ASSHETON CROSS said, that what he stated was this—that if the Commissioners reported that the minimum term of penal servitude should be less than five years, he would undertake, on behalf of his right hon. and gallant Friend the Secretary of State for War, that it should be put into the Bill before it became law.

MR. MORGAN LLOYD was very glad to hear what had fallen from the right hon. Gentleman the Home Secretary. He did not, however, see any

objection to the proposal of the hon. Member for Meath—namely, to leave out the limit from this clause.

Amendment, by leave, *withdrawn*.

MR. PARNELL, in moving, as an Amendment, in page 18, line 36, to leave out “with or,” explained that its object was to limit the term of imprisonment with hard labour to one year; and he hoped the Committee would agree with in thinking that a sentence of two years’ hard labour was really too much for a man to undergo, unless he happened to be exceptionally strong. Hard labour in the military prisons was very different from that in the convict establishments, and was performed in the following manner:—A man stood in the middle of the house where the labour was done, turning a crank or winding up a weight; he was stripped, except as to his trousers; there was water running down the walls of the room in order to keep it cool, the labour being so intense; and this might go on for ten hours at a time. It would be seen that this was labour of no ordinary character, and of a kind that no man ought to be called upon to perform for any considerable time; for, even if he should happen to live through his sentence, he would be utterly broken down for life. He thought that, in view of the large amount of imprisonment which unfortunately appeared to be necessary in the Army, care should be taken to see that the constitutions of our soldiers were not injured by sentences of imprisonment thoughtlessly inflicted by courts martial who did not fully understand the consequences of their acts, and that they should draw a distinction between the criminal classes and the soldiers of the Army. He, therefore, begged to move the Amendment of which he had given Notice.

MR. ASSHETON CROSS said, the description of the hard labour in the prisons, as given by the hon. Member, was hardly correct. There was no doubt whatever that two years’ imprisonment with hard labour was a very hard sentence; but, at the same time, it was one that was very seldom given. The amount of hard labour performed in military prisons became less and less, until the offender reached the highest class; and the Committee must not think that people were kept working at the crank for a period of two years. He

hoped the Committee would allow the words to stand in the Bill.

GENERAL SIR GEORGE BALFOUR said, he was not aware how the limitations and precautions referred to by the Secretary of State for the Home Department as having been made against the severity of hard labour could be brought to bear in the case of India. Many parts of the Act appeared at variance with the Indian system, and he was afraid that the new clause might have the effect of punishing soldiers in a hot climate more severely than they were punished in a cold one.

MR. ASSHETON CROSS agreed with the hon. and gallant Member that there should be some security against this; and as the clause in that respect did not seem to be sufficiently clear, he would have the matter looked into.

MR. PARSELL pointed out to the Committee that the general labour in military prisons was very much harder than in the convict establishments, and that the diet was not nearly so good. He wished to bring to the notice of the Committee the fact that the scale of diet had been very considerably reduced since the Home Secretary came into Office. The scales of diet recommended by the Committee were considerably lower than those in force in many of the prisons throughout the country. Of course, the right hon. Gentleman would know that the scales in force throughout the country were not entirely uniform in their character, and that they varied very much according to locality in England, Ireland, and Scotland; at the same time, the scales recommended by the Committee appointed to consider this subject were very much lower than those adopted in other prisons. He had visited one of the prisons recently, and found that they had adopted a higher dietary scale than the one sanctioned by the right hon. Gentleman, which they evidently considered too low. He was not prepared at that moment to go into the scales, and, therefore, only mentioned the matter incidentally as one which might be open to correction; but his strong opinion was that the scales in question were very inferior to those in force in convict establishments. Under such circumstances, therefore, it was impossible that a man should undergo a period of two years' imprisonment with hard labour without suffering in health

and being incapacitated from doing useful work when he came out of prison. Our soldiers should not be submitted to treatment of that kind; and if it was desired to get any good out of a man, he should not be subjected to punishment which would make him useless afterwards. Although he did not think himself justified in taking a Division, he should record a very strong protest against the system of giving soldiers in the Army long terms of hard labour, more especially for offences against discipline. There was evidence that soldiers had been sentenced to cumulative sentences amounting to five years; but that had been done away with. Still, practically, a soldier might be sentenced to cumulative sentences under this Act up to five years, and there was little doubt that courts martial would adopt that practice in future.

MR. MITCHELL HENRY asked the Secretary of State for War, whether it was the intention of the military authorities to assimilate the diet and punishment in military prisons to those which existed in convict and other prisons throughout the country? He had heard it over and over again stated that a soldier going out from a term of hard labour was utterly unfitted to perform regimental duties for a length of time. It was well known that the dietary scale was very much lower in the military prisons than that in use in ordinary prisons, and the fact had been brought before the House several times during the last few years. The hon. Member for Hythe (Sir Edward Watkin) had, three years ago, brought a case under the notice of the House which had excited a great deal of attention and horror.

COLONEL STANLEY said, when the Bill passed, it was the intention to take this very point into consideration; that was one reason why he had asked his right hon. Friend the Secretary of State for the Home Department to put his name on the back of the Bill.

COLONEL MURE said, the new scale of diet had proved to be all that could be desired, and that the standard of health continued to be highly satisfactory in the military prisons. He did not think that the power to sentence to hard labour should be withdrawn.

MR. MITCHELL HENRY desired to know if the hon. and gallant Gentleman who had just spoken wished the

Committee to understand that the dietary in military prisons was equal to that in ordinary convict establishments, or that the hard labour imposed in them was the same as in the latter? because it was well known that such was not the case.

COLONEL STANLEY wished to point out that the present discussion should relate to the future and not to the past. As far as circumstances would admit, it was the intention to assimilate both the diet and hard labour in military and other prisons.

MR. HOPWOOD said, a matter had been pressed upon his attention by a military correspondent, about which he desired to ask the question, whether, in future, military delinquents would be kept separate from the civil criminal class?

MR. ASSHETON CROSS said, it was absolutely impossible to allot a separate part of a prison to military prisoners; but, as far as possible, they would be kept distinct from ordinary prisoners.

MR. J. HOLMS suggested that the Bill might, perhaps, remain as it was, inasmuch as the clause spoke of imprisonment "with or without hard labour." He wished to point out that if the power of giving sentences of two years, with or without hard labour, was taken away, the courts martial might be found to incline to the infliction of terms of penal servitude. Everything, however, would depend upon the formation of the court martial, which, in his opinion, ought to be radically changed.

GENERAL SHUTE assured the Committee that officers of the Army were not predisposed to give long terms of imprisonment; quite the reverse. There was a strong objection to losing the services of soldiers from their regiments, which, in their absence, would have to be performed by other men. Long sentences were avoided, whenever it was possible, especially in Cavalry and Artillery, in which services the imprisonment of the bad entailed so much extra duty on the good soldiers, and it was most unusual to give more than one year's imprisonment. He wished that hon. Members opposite would not constantly imply that the officers of the Army were a set of military tyrants. The officers of the Army took the greatest interest in the welfare of the soldiers, and far more so in the English Service than in any Army in Europe.

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MR. RYLANDS assured the hon. and gallant Member for Brighton (General Shute) that he had the highest opinion of the officers of the Army generally, and believed many of them to be of high character, certainly not men disposed to act in an unjust or cruel manner; but he was bound to tell the hon. and gallant Member that that tribute was not universally paid to the consideration and kindness of military officers. Unfortunately, cases could be referred to of officers exercising their powers in a manner detrimental to the Service and unjust to individual soldiers. The Paper which he held in his hand, for instance, stated that a man had received 336 days' imprisonment in an Indian military prison, simply for making a complaint against his commanding officer to the Commander-in-Chief in a respectfully-worded letter. At the same time, he wished to say that he had not risen for the purpose of supporting the Amendment before the Committee; and, inasmuch as the Bill gave a discretionary power to courts martial, he thought the clause might be fairly allowed to remain in its present form. However, in granting great powers to officers, he thought that those powers should be surrounded by safeguards.

GENERAL SIR GEORGE BALFOUR drew attention to the new punishment of imprisonment to be inflicted upon officers of the Army, to which he felt the strongest objection, inasmuch as he did not think it at all fitted to an officer who had misdemeaned himself. Imprisonment, he found, was a substitute for corporal punishment in the case of soldiers, and he, therefore, strongly objected to this application of it to the military offences of officers. If hon. Members would refer to the Defining Clause of the Bill, they would find that corporal punishment might be awarded to soldiers in lieu of imprisonment. He therefore appealed to the right hon. and gallant Gentleman the Secretary of State for War, with the hope that some modification might be introduced throughout the Bill to do away with the imprisonment of officers. He quite admitted that imprisonment must be awarded for many acts done by officers in India.

Amendment, by leave, *withdrawn*.

MR. HOPWOOD hoped that the Committee would accept him as the

representative of the hon. Member for Leicester (Mr. P. A. Taylor), on whose behalf he begged to express regret that he should be absent from the House and the performance of his duty, in moving, as an Amendment, to leave out from line 5, page 19, the words "or corporal punishment, subject as in this Act mentioned." In doing this, he was aware that he would be repealing to the Committee an old story and an old complaint. But the complaint and the defence were equally old, and had begun many years ago. In moving the omission of the words "corporal punishment," he thought he might almost as well have asked to substitute the word "torture." A few years ago, an old punishment for almost every act was death, and in those days hon. Members, no doubt, held up to scorn any endeavour to alter that bloody and ferocious system; and it was thought, no doubt honestly and conscientiously, that to take away that violent sanction would be to upset the framework of society. But some of their Predecessors had seen the necessity of repealing and altering that state of things; they were persistent and successful, and he (Mr. Hopwood), and other hon. Members who entertained the same opinions upon this subject, hoped to be as persistent and as successful in the work of repealing the law which authorized the infliction of corporal punishment upon the soldiers in the Army. In 1811 the number of lashes which might be inflicted was unlimited, and it was sometimes measured by the extent to which the unhappy offender could hold out; but, at that time, some merciful person, in spite of terrible warnings as to the mischief that might ensue, proposed that it should not exceed 300. Shortly after this the number was limited to 200 lashes. Lastly, the hon. Member for Rochester (Mr. Otway) succeeded in inducing the House of Commons to carry the abolition of this punishment. But the Government of the day, and it happened to be the Representatives of the same Party now in power, clung to the old notion. It was not till the year 1868 that the clause was adopted as it now stood in the annual Mutiny Bill, and which was mainly incorporated in the Bill now before the House. Such was the history of the strenuous endeavours by which, in spite of the strongest official

opposition, in spite of great prejudice, in spite of alarming appeals and endeavours to terrify nervous people, the salutary law was enacted by which at the present moment it was unlawful, in time of peace and on land, to inflict upon any soldier the punishment of the lash. But there was a modification of that law, and the punishment might still be inflicted in time of peace on active service and on board ships not commissioned by Her Majesty; and there was unfortunate evidence that the exceptions in the Act were being made use of most readily by some people wedded to the old state of things. The House had just learned that three troopers of Her Majesty's First Dragoon Guards on the way to the Cape had been subjected to this most severe punishment, which might, unhappily, be still inflicted on board ships not commissioned by Her Majesty; and the opportunity of time and place seemed to have suggested themselves to the officer in command, who accordingly had these men triced up and lashed. As the men were on board ship, they could not possibly desert. What on earth, then, could be the necessity for resorting to this abominable and degrading punishment? He understood that they were guilty of gross insubordination—and gross insubordination they might be guilty of on land, but they could not be flogged for it; therefore, he said that those who had chosen that punishment merely from the accident that gallant men were being carried from this country to serve Her Majesty in another place had made a gross mistake, which they would have done better to avoid. Hon. Members ought to endeavour to remove this blot and stigma from the British Army and Navy. He now turned to the evidence of some of the military men who spoke on the occasion of the debate, after which the House of Commons abolished for ever this punishment in time of peace and on land. Captain Vivian supplied an illustration in support of the hon. Member who moved the abolition of the punishment by saying that—

"Corporal punishment was not inflicted in the Household Cavalry regiments, but that was owing to the fact that it was considered the greatest disgrace that could happen to a man to be turned out of his regiment. They should, therefore, endeavour to teach the whole Army that it was a glory to belong to the Profession, and a disgrace to be driven from it."

Mr. Hopwood

Glory!—to belong to a profession in which every man might, under some circumstances, be subjected to this disgraceful punishment! It was made a crime to flog an ancient Roman, and he could not see why the Committee should not make a similar protection for the backs of Englishmen, and not allow them to be whipped as one would whip a dog. The other military testimony went to show that corporal punishment deterred persons from entering the Army who would otherwise have enlisted, and that it was clear that flogging could be done away with; because, in 1811, when the number of lashes was first restricted, the men were worse in point of character than at the present time. Again, it had been shown that its retention was not necessary to enforce the authority of the non-commissioned officers, who, in the case of one battalion, on being asked whether they thought that flogging was necessary to maintain their authority, had one and all replied that they "should be sorry to maintain it at that price." It would have been well if one of the infernal implements used for the infliction of this punishment could have been brought into the House for the inspection of all hon. Members, some of whom, he feared, through seeing them used, had to a certain extent come to look upon them as necessary. He wondered the right hon. and gallant Gentleman did not produce one—to show how soft it was, and speak of it as not conveying torture. He (Mr. Hopwood) doubted whether this implement had been properly described in legislative enactments. As far as he had learned, however, with one stroke it produced nine cuts; and, besides, its nine lashes were furnished with a number of knots, for the sake of producing the largest amount of human suffering that could be inflicted for the purposes of this Act of Parliament. The labours of some ingenious artist had clearly been expended in the production of this fearful instrument, the use of which, if they still claimed to be men of tenderness and generous feeling towards their fellow-creatures, should be at once abolished. He was not aware that medical men could estimate suffering better than others; but they could give better expression to it, and this was the description given by medical authority—

"As to the strokes, we can only describe them to be combined—bruising, cutting, and tearing of the most horrible description; and, familiar as we are with surgical operations before the days of chloroform, we are obliged to conclude that not the most serious and protracted operations, including amputation, tooth-drawing, or all put together, were ever so painful as flogging."

Again, the testimony of Mr. Abernethy was that—

"One of the severest operations of surgery is for stone, which, when skilfully performed, is not upon the average of more than a few minutes duration. In flogging every lash is, perhaps, equal to the incision through the skin in the operation for stone; and, further, no surgeon could answer for the ultimate or immediate consequences of this species of corporal punishment."

He had now proved, upon the highest authority, that he was correct in describing this punishment as torture. Supposing it was proposed to put into the Act the words, "or torture by raising the skin by pincers, or by raising weals or blisters by hot irons," would anyone fail to recoil from the proposal as one to be avoided with horror? Yet such was represented, in gentlemanly words, to be "corporal punishment." The punishment of the lash produced infinite and horrible torture; one skin might bear its effect, and one constitution endure it, but not another; the extremest pain must be felt by the sensitive patient; and yet the House was about to pass the enactment that corporal punishment was to be renewed, in the shape of torture by the lash, by tearing the skin, and by producing suffering equal to that endured under the most terrible surgical operations before the use of anæsthetics. He contended that, under no circumstances, should the House be a party to such a thing, and he equally resisted the application of this punishment to all those cases and situations described in the present Act. Apologizing for the length at which he had spoken, but for which his own arguments and the desire to represent his absent Friend would be his excuse, he moved that the words, "or corporal punishment," down to the end of line 5, be omitted from the clause.

Amendment proposed,

In page 19, line 5, to leave out from the word "years," to the word "mentioned," in line 6, inclusive.—(*Mr. Hopwood.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

COLONEL STANLEY said, that the Committee had under its consideration one of the most serious punishments that could be inflicted under the Act; and he hoped that the Committee would endeavour, as far as possible, to clear away from their minds all matters except those strictly relevant to the Bill. What the Committee had to consider was whether, in the circumstances of the present day, this punishment should be retained. Had he, upon any evidence or otherwise, been able to conclude that the time had arrived when this punishment could be omitted, he should at once have thought it his duty to have framed the Bill accordingly, and to have submitted it in that form to Parliament. But having regard to the circumstances under which the Service had to be carried on, and to the nature of the crimes occasionally arising under the discipline of the Service, he had not found himself enabled to eliminate corporal punishment from the Bill. He trusted the Committee would, therefore, pause before adopting the Amendment of the hon. and learned Member for Stockport (Mr. Hopwood). He could not question the feeling with which that hon. and learned Member had just addressed the Committee. No doubt, he entertained very strong opinions upon the subject; but when he spoke of the "careful contrivance of an instrument for producing the largest amount of personal suffering," he (Colonel Stanley) was bound to say that he differed entirely from the hon. and learned Member's conclusions. With regard to the medical opinions cited, he would like to have the date of those opinions, and to know whether they were expressed at a time when corporal punishment could be extended to 800 or 1,000 lashes? So far as he had heard, officers were always reluctant to inflict this punishment, except in the gravest instances, or when it was absolutely necessary to make an example and to save further crime. But, fenced about as it was with limitations which Parliament had imposed, he did not think that the discipline of the Army could be maintained by its removal, without leaving an hiatus in the punishment to be inflicted, which would oblige the authorities to resort to even more severe measures than corporal punishment. It would be observed that corporal punishment was now limited to

circumstances under which it was difficult or impossible to inflict imprisonment. As to the infliction of corporal punishment on board ships, the Committee would understand that the limitation, in Sub-section 7, of ships not in commission by Her Majesty, was merely put in to cover the case of ships in the merchant service, for the reason that on board ships bearing the pennant the provision of the Mutiny Act was temporarily suspended, and discipline carried on under the Naval Discipline Act. He desired to add that his hon. Friends and the right hon. Gentleman who had considered this Bill had also carefully considered the subject of corporal punishment; and they had not considered it their duty to Parliament to recommend that it should be eliminated from the measure, because they felt that if this had been done, resort would be had, in many cases, especially on active service, to a more severe penalty, and because they felt that, wherever imprisonment could not be given, some punishment that could be promptly inflicted was absolutely necessary. They had endeavoured to fence round the punishment with every possible safeguard. He, therefore, hoped the Committee would not agree to the Amendment of the hon. and learned Member for Stockport.

MR. SULLIVAN said, he had hoped that some hon. Member connected with the Military Profession, of whom he saw several in the House, would have risen at once to say that he believed the British soldier worthy of being placed on the same footing, as regarded punishment, with the soldiers of every other State in Europe, and that he should be freed from the disgrace and torture of the lash. Looking round him, he saw many officers who held, or who had held, high positions in the Army; and he would ask them whether they did not think that, as in the Armies of France, Germany, and Italy, discipline was admirably maintained without having recourse to flogging, it might not also be maintained in the Army of this country without so brutal and degrading a punishment? He was not sure whether he was libelling the Russian Army, when he said that he believed Russia only shared with England the use of the knout for the purpose of preserving discipline among her troops. For his own part, he begged to protest in the strongest

terms against the continuance of flogging, and he did so the more especially, because his own countrymen contributed a large quota to the Army. To those who contended that the infliction of physical pain and torture was necessary to keep the men in order, he would reply that, if that was really the case, some more decent system of physical punishment than the lash ought to be adopted. The thumb-screw would be found quite as efficient for the purpose. Why, he would ask, was not it used, instead of the cat-o'-nine-tails? Why should the Scavenger's Daughter be allowed to remain idle in the Tower of London, if hon. Members were so enamoured of a system of physical torture? Was it not a source of shame and indignation to them that it should be proclaimed to the world that England stood in need of the infamous lash to keep her soldiers out of trouble? The flag of France had been planted by the Armies of France on the ramparts of almost every city in Europe. It had been carried in triumph to Leipsic, and to Moscow, and to Berlin. [*Laughter.*] Hon. and gallant Gentlemen in that House might laugh at the record, and England, it must be admitted, had done great things in Ashantee and Abyssinia; but she had not, as France had, borne her arms victorious over the Continent of Europe, and that without inflicting the disgrace of the lash upon her soldiers. The British Army was composed, no one could deny it, of brave men. The personal courage of the British soldier had never been impugned. It had been proved upon many fields. Why, then, should the Committee hesitate to raise the British soldier to an equality with the soldiers of France? Let them give up this emblem of a barbaric age, when the soldier was scourged, not unfrequently, until he reached the battle-field. In the name of the British soldier, in the name of common humanity, in the name of the country which was proud of its civilization, he begged of hon. and gallant Gentlemen, some of whom might to-morrow or the next day have to lead their men to the cannon's mouth, to wipe away the stain which the use of a brutal instrument of torture cast upon our Military Code.

SIR WALTER B. BARTTELOT said, he had seen the hon. and learned Member for Louth (Mr. Sullivan) get up on many occasions in that House,

and had heard him denounce its Members in the same unmeasured language in which he had thought fit to indulge on the present occasion. He would, however, venture to remind the hon. and learned Gentleman of the desirability of taking a little more pains to know something of the business he was talking about than he seemed to have done with regard to the question of flogging in the Army. It was clear that the hon. and learned Gentleman knew nothing about the subject, and he ought to be aware that there was not a Member of the House who was not just as anxious that the punishment of flogging in the Army should be done away with, if that could possibly be done without injury to the Service. There was no man in that House who would desire to see a single soldier flogged; but it was necessary to look a great deal further than that. The hon. and learned Gentleman would make it appear that a soldier might absolutely be flogged in this country. He had drawn no distinction, and had not discriminated in any way as to the real state of the case. He ought, however, to have been aware, and must have been aware, of the fact that soldiers were not flogged in this country; and if he knew it, he ought not to have spoken as he had done. Sentimental speeches, such as that which the hon. and learned Gentleman had just delivered, scarcely did him any credit, he thought. He should not, however, have risen to reply to that speech, but that he did not like to remain silent when he heard the character of the officers of our Army being taken away in that sort of manner. No one, he was sure, felt more kindly disposed towards our soldiers than the officers by whom they were commanded; and it was only in cases of absolute necessity, on board ship, or in the field, that the lash was resorted to. He felt certain, he might add, that the hon. and gallant Member for Galway (Major Nolan), would not rise in his place and tell the Committee that there were, in his opinion, no occasions when flogging was necessary for the maintenance of discipline.

GENERAL SIR GEORGE BALFOUR said, he had no doubt that when that House provided the means by which the Army might be made a more attractive profession to a higher class of men, and the condition of the soldier improved,

flogging might be dispensed with without detriment to the Service. Even under the present system, he must admit that there were occasions when the lash was improperly applied, and he had seen the men in nearly three regiments disqualified for service in consequence. There were, however, some cases in which, he regretted to think, it was necessary to have recourse to corporal punishment; although, as he said, he believed it might be done away with under an improved system. He need not say that he would have great pleasure in supporting any measure which the right hon. and gallant Gentleman the Secretary of State for War might bring forward calculated to have that object.

MAJOR O'BEIRNE expressed his strong objection to the brutal manner in which the punishment of flogging was sometimes inflicted on board ship. He had himself witnessed cases, he might add, of flogging for petty theft, and half the number of lashes awarded had to be remitted, because the men could not endure the full number. He would support the Amendment, believing that the use of the lash might be dispensed with in the English, as it was in the French and German, and other Continental Armies.

MR. SULLIVAN said, he congratulated himself on having performed a miracle, for he had succeeded in making the dumb speak. It was very evident, from what had occurred in the course of the present discussion, that someone's withers were wrung, for the hon. and gallant Gentleman the Member for West Sussex (Sir Walter B. Barttelot) had not found himself able to preserve silence any longer; and he (Mr. Sullivan) was glad that he had spoken, in order that the country might know what the opinions of military men were about the practice of the knout. The hon. and gallant Baronet, who, he believed, was a post colonel, was good enough to say that he (Mr. Sullivan) had denounced hon. Members of that House; but what he denounced was propositions made in that House, and hon. Members who hesitated to say what they thought on a subject upon which, in his opinion, they were called upon to speak, for he could not help regarding it as discreditable to the military Members of the House that they should allow the Vote to pass in silence. He (Mr. Sullivan) was as free to speak as the hon. and gallant Baronet,

and he would tell him that he was not a bit afraid to get up in his place and to give expression to that opinion. With no wish in the world to press the matter to greater length than fair argument would admit, he would venture to tell the hon. and gallant Member that the question which was raised by the Amendment of his hon. and learned Friend beside him (Mr. Hopwood) was a more serious one than they seemed to suppose. There were some hon. Members, at all events, who felt most keenly and deeply upon the question of the preservation of the punishment of the knout. Why, he would ask, should a law be kept upon the Statute Book, by which it was proclaimed that the British soldier ceased to be a Briton because he did not happen to be staying within the limits of these Islands? Let the advocates of the lash come forward and answer the arguments which had been urged against it. He had succeeded in bringing one of them out, and he hoped a few more of them would favour the Committee with their views on the subject. Let there be no silent voting on their part. He ventured to say he knew more about the matter than the hon. and gallant Gentleman (Sir Walter B. Barttelot) seemed to suppose. He also felt more about it than the hon. and gallant Gentleman appeared to do. He had, he might say, almost seen the horrors of the lash. It was barely a few years ago that reporters who had been in his own establishment in the City of Dublin returned with their faces spattered with the blood and flesh of those unfortunate soldiers who were the victims of this degrading punishment. ["Oh, oh!"] He rejoiced to find that the House of Commons shuddered at the fact, and that they were ashamed of it. That it was a fact there could be no doubt, because it was borne testimony to by the Press of Dublin at the time; and to the horror of it no greater tribute could be paid than the ebullition of feeling to which the mention of it had just given rise. If any hon. Member thought he exaggerated the story, let the Government, in whose presence he had stated that disgraceful fact, get up and contradict him. If his statement were true, as it most undoubtedly was, could the Committee wonder that he should feel deeply and keenly on the subject? He had no seat in the House when the

General Sir George Balfour

circumstance occurred; but he had then made a vow that if ever he did succeed in obtaining a seat in it, he would tell the military men in it how disgraceful it was that they should seek to perpetuate this dreadful indignity inflicted on the British soldier.

MR. MITCHELL HENRY said, that whatever might be the opinions which hon. Members entertained on the subject of flogging in the Army, he did not think those who advocated the abolition of corporal punishment would serve the cause which they professed to have at heart by the course which they had taken on the present occasion. For his own part, he hoped and believed he was as much influenced by feelings of humanity as any hon. Member who desired to have flogging done away with; but he also hoped that he had sense enough to see that, irrespective of the question of the expediency of maintaining it in the Army, the subject was not at all to be approached by the same arguments as it was years ago, when the brutal punishment of the lash was the normal punishment of our Criminal Code. He had never been able to go with his hon. Friend the Member for Leicester (Mr. P. A. Taylor) in his desire to abolish flogging in the case of such offenders as wife-beaters and garotters. It was, in his opinion, nonsense, and nothing but nonsense, for hon. Members to indulge in such talk as he had heard about the effect of the cat-o'-nine-tails, in the infliction of some 25 or 50 lashes, which were every week inflicted in our prisons in all parts of England, in the same way as they were inflicted upon the soldier, and which were constantly witnessed and described by the reporters of the newspapers, who never stated that they had been spattered by the blood or flesh of any of the victims. Very brutal scenes had, no doubt, been enacted in past times; but his hon. and learned Friend the Member for Louth (Mr. Sullivan) seemed to be carried away by his feelings far beyond the extent which the real state of the case would justify, and to forget that the horrors of which he complained had long since been done away with. The truth of the matter was that the punishment of flogging in the Army had been abolished for years, except when a soldier was being conveyed on board a ship not belonging to the Fleet, and where there were no means of preserving discipline

such as existed on board a man-of-war, or when troops were in the field. In those cases, an offender might be subjected to a limited number of lashes with a cat-o'-nine-tails. What hon. Member, he would ask, was not aware that some years ago it was actually unsafe to walk in the streets of London? Who did not recollect the case of an hon. and respected Gentleman who sat on his own side of the House, and who was seized by a garotter as he was walking through Pall Mall and very nearly strangled? It was in consequence of that offence that the punishment of flogging with a cat-o'-nine-tails to the extent of 25 or 50 lashes was adopted in regard to the perpetrators of such outrages, with the result that the streets of London shortly became safe to walk in again. He had never felt a greater sense of shame at the conduct of his fellow-countrymen than during the time of which he was speaking, when many persons thought it was necessary to carry arms in the streets for the purpose of protecting oneself against those assaults. He recollected very well a conversation which took place among hon. Members as to the best mode of protection, and that one very shrewd old gentleman had provided himself with a weapon in the shape of two knives, admirably adapted to the purpose of freeing himself from the grasp of a garotter, if he should happen to be attacked by one. The law was not then strong enough to protect peaceful citizens, and, as he had said, it was only by having recourse to flogging that garotting was put down. ["No, no!"] He at once admitted that any hon. Member had a right to form his own opinion as to the causes which had led to the disappearance of that offence; but his own belief was that it had been extinguished by the specific infliction of a particular form of punishment—and that was the use of the cat-o'-nine-tails. Everybody, he might add, was aware that in Russia the knout was the normal mode of punishing criminals, and he believed that even in the German Army the use of the cane was not unknown. There was, it was perfectly true, no flogging in France; but then there were other punishments inflicted there, which produced physical torture quite as much open to objection as that which was caused by the lash. In America, it had been seriously proposed to employ electricity as a means of producing physical

hoped the Committee would allow the words to stand in the Bill.

GENERAL SIR GEORGE BALFOUR said, he was not aware how the limitations and precautions referred to by the Secretary of State for the Home Department as having been made against the severity of hard labour could be brought to bear in the case of India. Many parts of the Act appeared at variance with the Indian system, and he was afraid that the new clause might have the effect of punishing soldiers in a hot climate more severely than they were punished in a cold one.

MR. ASSHETON CROSS agreed with the hon. and gallant Member that there should be some security against this; and as the clause in that respect did not seem to be sufficiently clear, he would have the matter looked into.

MR. PARNELL pointed out to the Committee that the general labour in military prisons was very much harder than in the convict establishments, and that the diet was not nearly so good. He wished to bring to the notice of the Committee the fact that the scale of diet had been very considerably reduced since the Home Secretary came into Office. The scales of diet recommended by the Committee were considerably lower than those in force in many of the prisons throughout the country. Of course, the right hon. Gentleman would know that the scales in force throughout the country were not entirely uniform in their character, and that they varied very much according to locality in England, Ireland, and Scotland; at the same time, the scales recommended by the Committee appointed to consider this subject were very much lower than those adopted in other prisons. He had visited one of the prisons recently, and found that they had adopted a higher dietary scale than the one sanctioned by the right hon. Gentleman, which they evidently considered too low. He was not prepared at that moment to go into the scales, and, therefore, only mentioned the matter incidentally as one which might be open to correction; but his strong opinion was that the scales in question were very inferior to those in force in convict establishments. Under such circumstances, therefore, it was impossible that a man should undergo a period of two years' imprisonment with hard labour without suffering in health

and being incapacitated from doing useful work when he came out of prison. Our soldiers should not be submitted to treatment of that kind; and if it was desired to get any good out of a man, he should not be subjected to punishment which would make him useless afterwards. Although he did not think himself justified in taking a Division, he should record a very strong protest against the system of giving soldiers in the Army long terms of hard labour, more especially for offences against discipline. There was evidence that soldiers had been sentenced to cumulative sentences amounting to five years; but that had been done away with. Still, practically, a soldier might be sentenced to cumulative sentences under this Act up to five years, and there was little doubt that courts martial would adopt that practice in future.

MR. MITCHELL HENRY asked the Secretary of State for War, whether it was the intention of the military authorities to assimilate the diet and punishment in military prisons to those which existed in convict and other prisons throughout the country? He had heard it over and over again stated that a soldier going out from a term of hard labour was utterly unfitted to perform regimental duties for a length of time. It was well known that the dietary scale was very much lower in the military prisons than that in use in ordinary prisons, and the fact had been brought before the House several times during the last few years. The hon. Member for Hythe (Sir Edward Watkin) had, three years ago, brought a case under the notice of the House which had excited a great deal of attention and horror.

COLONEL STANLEY said, when the Bill passed, it was the intention to take this very point into consideration; that was one reason why he had asked his right hon. Friend the Secretary of State for the Home Department to put his name on the back of the Bill.

COLONEL MURE said, the new scale of diet had proved to be all that could be desired, and that the standard of health continued to be highly satisfactory in the military prisons. He did not think that the power to sentence to hard labour should be withdrawn.

MR. MITCHELL HENRY desired to know if the hon. and gallant Gentleman who had just spoken wished the

Mr. Assheton Cross

Committee to understand that the dietary in military prisons was equal to that in ordinary convict establishments, or that the hard labour imposed in them was the same as in the latter? because it was well known that such was not the case.

COLONEL STANLEY wished to point out that the present discussion should relate to the future and not to the past. As far as circumstances would admit, it was the intention to assimilate both the diet and hard labour in military and other prisons.

MR. HOPWOOD said, a matter had been pressed upon his attention by a military correspondent, about which he desired to ask the question, whether, in future, military delinquents would be kept separate from the civil criminal class?

MR. ASSHETON CROSS said, it was absolutely impossible to allot a separate part of a prison to military prisoners; but, as far as possible, they would be kept distinct from ordinary prisoners.

MR. J. HOLMS suggested that the Bill might, perhaps, remain as it was, inasmuch as the clause spoke of imprisonment "with or without hard labour." He wished to point out that if the power of giving sentences of two years, with or without hard labour, was taken away, the courts martial might be found to incline to the infliction of terms of penal servitude. Everything, however, would depend upon the formation of the court martial, which, in his opinion, ought to be radically changed.

GENERAL SHUTE assured the Committee that officers of the Army were not predisposed to give long terms of imprisonment; quite the reverse. There was a strong objection to losing the services of soldiers from their regiments, which, in their absence, would have to be performed by other men. Long sentences were avoided, whenever it was possible, especially in Cavalry and Artillery, in which services the imprisonment of the bad entailed so much extra duty on the good soldiers, and it was most unusual to give more than one year's imprisonment. He wished that hon. Members opposite would not constantly imply that the officers of the Army were a set of military tyrants. The officers of the Army took the greatest interest in the welfare of the soldiers, and far more so in the English Service than in any Army in Europe.

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MR. RYLANDS assured the hon. and gallant Member for Brighton (General Shute) that he had the highest opinion of the officers of the Army generally, and believed many of them to be of high character, certainly not men disposed to act in an unjust or cruel manner; but he was bound to tell the hon. and gallant Member that that tribute was not universally paid to the consideration and kindness of military officers. Unfortunately, cases could be referred to of officers exercising their powers in a manner detrimental to the Service and unjust to individual soldiers. The Paper which he held in his hand, for instance, stated that a man had received 336 days' imprisonment in an Indian military prison, simply for making a complaint against his commanding officer to the Commander-in-Chief in a respectfully-worded letter. At the same time, he wished to say that he had not risen for the purpose of supporting the Amendment before the Committee; and, inasmuch as the Bill gave a discretionary power to courts martial, he thought the clause might be fairly allowed to remain in its present form. However, in granting great powers to officers, he thought that those powers should be surrounded by safeguards.

GENERAL SIR GEORGE BALFOUR drew attention to the new punishment of imprisonment to be inflicted upon officers of the Army, to which he felt the strongest objection, inasmuch as he did not think it at all fitted to an officer who had misdemeaned himself. Imprisonment, he found, was a substitute for corporal punishment in the case of soldiers, and he, therefore, strongly objected to this application of it to the military offences of officers. If hon. Members would refer to the Defining Clause of the Bill, they would find that corporal punishment might be awarded to soldiers in lieu of imprisonment. He therefore appealed to the right hon. and gallant Gentleman the Secretary of State for War, with the hope that some modification might be introduced throughout the Bill to do away with the imprisonment of officers. He quite admitted that imprisonment must be awarded for many acts done by officers in India.

Amendment, by leave, *withdrawn*.

MR. HOPWOOD hoped that the Committee would accept him as the

of the Bill. The true facts of the case were, he believed, understood by everyone who took any pains to consider the subject; and he must protest against the allegation being made with regard to hon. Members, who were as humane as his hon. Friend himself, that if they were in the Army they would take every opportunity of inflicting the punishment of flogging on the soldiers—as the hon. Gentleman had kindly insinuated some hon. and gallant Officers sitting on both sides of the House did or would be prepared to do. He should be very glad to see corporal punishment abolished altogether; but that was a millenium which would not, he was afraid, be speedily brought, notwithstanding the arguments of his hon. Friend.

MR. HOPWOOD congratulated the Government on having the support of his hon. and learned Friend the Member for Oxford (Sir William Harcourt), who had assumed a great responsibility for the Bill throughout the discussions upon it. But with all the regard which he entertained for his hon. and learned Friend, he felt obliged, from no want of good feeling towards him, to decline to act upon his advice. His hon. and learned Friend asked what punishment those who supported the Amendment would substitute for flogging; but he denied that they were in any way called upon to supply an answer to that question. It was not for them to furnish information to the military authorities as to how discipline might be best maintained among the troops who were under their rule. His Amendment was directed against a particular mode of punishment which met a man face to face when he entered the Army, and which had a most blighting effect. There was not an Army in Europe, he believed, in which the system of flogging was now adopted—not even the Russian. Let English officers ponder on that fact, and say whether they could sit still and hear this punishment cracked up as necessary, and actually supported on the ground that, as it was useful in the case of the garotter and the wife-beater, so it was useful for the English soldier—a man who was charged with the defence of his country, whose courage and endurance were so constantly the theme of praise in that House. But, whatever might be the decision of the Committee on the present occasion, he

felt sure that the time would come when, for very shame, so degrading a punishment would be given up in the English Army. It was said that in foreign Armies men were shot for such offences as those against which the clause was intended to provide. Who was the authority for that statement? Who was prepared to give the Committee chapter and verse for it, impugning, as it did, the honour of foreign nations? Something had been said about caning being resorted to in the German Army. The Germans would, he could not help thinking, be astonished when they learnt that such a statement had been made in the House of Commons in connection with their great and fine Army. He implored our military authorities to give up a punishment which was as useless as it was degrading, and to adopt some other means of maintaining discipline.

MR. PARNELL was sorry to be obliged to impugn the accuracy of the hon. Member for Galway (Mr. Mitchell Henry); but he wished to remind him, in justice to himself, that it was not in conversation with him that the hon. Gentleman had made the statement to which he had referred, but in a speech which he had publicly delivered in that House some 12 months ago. The hon. Gentleman then told him that if he desisted from opposing the passing of the Mutiny Bill, he would be prepared, when the question again came before the House, to divide with him against every lash.

MR. MITCHELL HENRY said, he never regretted until now that there was not a verbatim report of everything which was said in that House. He would only add that he was not one who changed his opinions easily, or who was in the habit of expressing opinions diametrically opposed to one another. He, as a matter of fact, never had entertained the opinion which his hon. Friend attributed to him; nor did he entertain it at the present moment. His hon. Friend must, he could not help thinking, have misunderstood what he said, or he must have expressed himself so unfortunately as not to have made his views clear to him.

Question put.

The Committee divided:—Ayes 239; Noes 56: Majority 183.—(Div. List, No. 104.)

Mr. Mitchell Henry

MR. RYLANDS said, he would move that Progress be reported, on the sufficient ground that he had an important Amendment to move upon the next Order on the Paper—namely, the Report of Supply. It was altogether out of the question to take the Report of Supply at the very end of a Morning Sitting. There were a number of Amendments to the clause of the Bill under discussion, and there was no chance of getting through them all at that time. It could not, therefore, interfere with the Business on hand, if the Government agreed to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Rylands.)*

SIR HENRY SELWIN-IBBETSON found it would be impossible to take the Report of Supply, if any discussion was to be raised as indicated by the hon. Member for Burnley (Mr. Rylands).

MR. RYLANDS said, if the hon. Gentleman would give a promise that the Report should be taken at a convenient hour in the evening, he should be willing to withdraw his Motion.

SIR HENRY SELWIN-IBBETSON said, he should propose to take the Report of Supply on Thursday.

Motion, by leave, *withdrawn*.

SIR ALEXANDER GORDON pointed out that the punishment of reduction to the ranks of a non-commissioned officer was omitted from the clause; but that in Clause 173 it was mentioned as a punishment to be given by the commanding officer. It was his opinion that this power was likely to be greatly abused, and he was at a loss to understand from what source the right hon. and gallant Gentleman the Secretary of State for War obtained the information which induced him to omit this punishment from its proper place in the Bill, where it was subject to court martial. It certainly did not come from the Select Committee, who generally had to bear the burden of all the changes which had been made in the measure. He would move, after line 7, the insertion of the words, "reduction to the rank of private soldier."

COLONEL STANLEY could not see any advantage in the insertion of the words proposed at that stage of the

Bill. If the words were added, he thought objections of the same kind would have to be taken to various other clauses of the Bill, where the punishments referred to under this section were included. He suggested that the point should be dealt with when they came to Clause 173; of course, with the understanding, if necessary, that these matters should be brought into closer harmony on Report.

SIR HENRY HAVELOCK thought that the proper place for the introduction of the words of the Amendment was in the present clause, and it appeared to him that if they were not inserted at that point, the opportunity of doing so would be lost. He thought that the reference to the punishment of reduction to the ranks by order of the commanding officer had been made in Clause 173 under a total misapprehension of certain views urged by the hon. and gallant Member for Galway (Major Nolan). He entirely concurred in the proposal of the hon. and gallant Gentleman (Sir Alexander Gordon) to introduce at this place a recognition of the principle that a non-commissioned officer should not be reduced to the ranks, except by court martial.

COLONEL STANLEY did not object to the insertion of the words in principle; but was not certain as to whether they must be considered in reference to other parts of the Bill.

SIR ALEXANDER GORDON could not understand why the great power given to the commanding officer to reduce non-commissioned officers to the ranks had been placed among the definitions in Clause 173. He should certainly divide the Committee upon his Amendment.

MR. RYLANDS hoped the hon. and gallant Member (Sir Alexander Gordon) would persist in his Amendment. He considered Clause 173 a most objectionable one; and when it was reached, he hoped the Committee would look to the particular point in question, and oppose the clause as strongly as possible.

Amendment *agreed to*; words *inserted* accordingly.

And, it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again upon *Thursday*.

CUSTOMS AND INLAND REVENUE BILL.

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.*)

[BILL 150.] COMMITTEE.

Order for Committee read.

Resolution [5th May], read as followeth :—

“That it is expedient to amend the Laws relating to the Customs and Inland Revenue.”

Instruction to the Committee on the Customs and Inland Revenue Bill, That they have power to make provision therein pursuant to the said Resolution.

Bill considered in Committee.

Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MOTIONS.

PROBATE, LEGACY, AND SUCCESSION DUTIES.—RESOLUTION.

Mr. DODDS*, in rising to call attention to the Probate, Legacy, and Succession Duties, and to move—

“That, in the opinion of this House, it is expedient that in lieu of Probate and Administration Duty, which is now payable according to unequal rates, upon the personal estate of deceased persons, and in lieu of Legacy Duty, which is now payable at various rates and various times in respect of each separate gift by will, and each separate share of an intestate's estate, one Duty only should be levied, at a uniform rate, upon the value of the personal estate of every deceased person,”

said: Mr. Speaker,—Sir, I have ventured to give Notice of the Resolution which it is my intention to move on the present occasion, because, during a somewhat lengthened professional experience, I have had constant opportunities of witnessing the absolute injustice in many cases, the great hardship, expense, and inconvenience in almost every case, occasioned by the present anomalous system of levying the probate, administration, and le-

gacy duties upon the estates of deceased persons. During last Session, my hon. Friend the Member for Forfarshire (Mr. J. W. Barclay) submitted a Motion to the House, to the effect that the present system of taxing succession to property is partial and unjust, and, in the opinion of this House, ought to be re-adjusted. Sir, in much of what was then advanced by my hon. Friend I entirely concur; but he dealt with the subject on more general grounds than I propose to do on the present occasion. My wish is to point out the anomalies, intricacies, and difficulties of the existing system of taxing personal property under the Probate and Legacy Duty Acts, and to show how these may be entirely averted by a simple combined duty, with advantage alike to the public Exchequer and to the taxpayer. In many respects, the arguments of the hon. Member last Session resembled those used in 1853, when the late Mr. Williams, then Member for Southwark, proposed that real property should be made to pay the same probate and legacy duties as are now payable in respect of personal property. The Amendment of which my right hon. Friend the Member for the Montrose Burghs (Mr. W. E. Baxter) has given Notice to-night—namely,

“That Probate, Legacy, and Succession Duties upon real estate should be placed on the same footing as real estate,”

proceeds very much in the same direction. Now, Sir, I do not propose to touch the great question raised by my right hon. Friend's Amendment. The question whether or not real and personal property should be placed upon the same footing is one of great importance; but it is also one upon which there is great diversity of opinion in this House, and I will merely at the present time say with reference to it, that the scheme I am about to propound will apply equally to any charge it may hereafter be determined to levy upon real estate as to the probate and legacy duties which are now charged only upon personal estate. Nor do I, Sir, propose to discuss on this occasion the succession duties, or to deal with them further than as they affect leasehold property; but, of course, any argument relative to the duties on legacies would be equally applicable to duties on succession, should Parliament at any future time

determine to place them upon the same footing. And now, Sir, in the first place, I desire to call the attention of the House to the probate duty. The history of a tax is more or less important when the incidence of that tax is under consideration; and the history of the probate duty forms no exception to that rule; but, on the contrary, appears to afford an apt illustration of it. The stamp upon probates and letters of administration was first imposed in 1694 by an Act of 5 & 6 *William and Mary*, c. 21. By that Act a sum of 5*s.* was payable throughout England, Wales, and Berwick-on-Tweed upon every skin, or piece of vellum, or parchment, or sheet or piece of paper upon which any probate of will or letters of administration for any estate above the value of £20, should be engrossed. In 1698 this duty was increased to 10*s.*, and was made perpetual by the Act of 9 & 10 *Will. III.* At that amount the tax remained until the year 1779—a period of 85 years from its first imposition. In this year the 19 *Geo. III.*, c. 66, imposed throughout Great Britain an additional duty of 20*s.* for estates of or above the value of £100, and 40*s.* for estates of £300 and upwards, thus making the total duty in each case 30*s.* and 50*s.* respectively, and introducing for the first time an ascending scale. Further additional duties were imposed, and the limits of the ascending scale were extended by various subsequent Acts—one in 1783, by which the scale was increased to £1,000; another in 1789, whereby it was increased to £5,000; and a third in 1797, whereby it was increased to £10,000. In 1804, by the 44 *Geo. III.*, an end was put to the existing system in England; the duties previously levied were repealed; and one uniform rate of duty, ascending by scale as high as to estates of £500,000, was imposed upon probates and letters of administration in England, and upon testament, testamentor, testament dative, or eik thereto, which I understand to mean probates or grants of administration respectively in Scotland. In 1774, a stamp duty of 5*s.* on any grant of probate or administration was imposed in Ireland by an Act of the Irish Parliament; and in 1844 the English rates of probate and administration duties were extended to Ireland, and were made permanent in that country in

1853. Up to 1815 no distinction was made in the duties payable in respect of grants of probate under will, or letters of administration of intestates' effects; but in that year the Act of 55 *Geo. III.*, which may emphatically be termed the Probate and Legacy Duty Act, repealed all existing probate and administration duties as from the 31st August in that year, and imposed one complete scale of duty in respect of probates in England and inventories of testament testamentor in Scotland, and the duties were made to extend to estates of the value of £1,000,000 and upwards. It likewise imposed another scale of duty upon letters of administration, 50 per cent more in amount than upon probates, or in the proportion of three to two; and, in like manner, these additional duties were imposed upon confirmations of testament dative, practically grants of administration, in Scotland. These duties so imposed in 1815 still remain unchanged, except that, in cases where the whole value of the estate amounts to £1,000,000 or upwards, which was previously the limit of the ascending scale, an Act, passed in 1859, imposed for every additional £100,000, a further duty of £1,500 upon probates, and £2,250 letters of administration, and except, also, that in 1864 an Act was passed exempting altogether from these duties estates between £20—which was the previous limit—and £100. Now, Sir, it is not a little remarkable that when these duties were imposed in their present form, the then Chancellor of the Exchequer, Mr. Vansittart (afterwards Lord Bexley), proposed them as taxes which would soon undergo Parliamentary investigation with a view to their re-arrangement. The language then used was most remarkable, and with the permission of the House I should like to read the whole of Mr. Vansittart's observations, which, by the way, are very short. He said—

“The next subject was the duty on probates; and as it had been considered a hardship that it should operate on the whole of the effects of the deceased instead of on the balance after the debts were paid, he intended to propose a drawback to remedy this grievance for the present, although he felt that this subject was one which must soon undergo Parliamentary investigation with a view to a general arrangement of it.”

Hansard's Debates gives us no further information of the views of the Chancellor of the Exchequer than those I

have quoted. Now, Sir, it appears to me that the legacy duties imposed at the time, and under the circumstances I have mentioned, contain a great many very glaring anomalies; but there are three to which I desire especially to call the attention of the House. The first is that the duty is charged at a higher rate on small estates than on large estates; and, second, that it is levied on groups of estates between certain amounts, and not by an equal percentage; and the third is that intestate estates are charged at a higher rate by 50 per cent than testate estates. Now, as to the first of these anomalies, the fact is proved by a glance at the table of duties imposed by the Act of 1815. I will only trouble the House with one or two illustrations from that scale. An estate of £200, for instance, under a will, is charged with probate duty amounting to £5, and in the case of an intestacy, an administration duty of £8, being rates of $2\frac{1}{2}$ per cent, and 4 per cent respectively. An estate of £1,000 under a will pays probate duty of £30, under an intestacy administration duty of £45, being respectively 3 per cent, and $4\frac{1}{2}$ per cent, and these are the highest rates imposed by the scale. A testate estate of £2,000 pays £50, an intestate estate £75, or $2\frac{1}{2}$ per cent and $3\frac{1}{2}$ per cent respectively; whilst an estate of £30,000 pays a probate duty of £450, or administration duty of £675, being $1\frac{1}{2}$ per cent and $2\frac{1}{2}$ per cent respectively, and all estates of a higher amount pay at these rates. The effect of this scale may be very briefly illustrated by reference to estates of the value of £1,000. Thirty estates of £1,000 each, making £30,000, pay, in the case of wills, probate duty amounting in the aggregate to £900; in the case of intestacies, administration duties amount to £1,350, or 3 and $4\frac{1}{2}$ per cent respectively; whilst a single estate of the same amount, £30,000, pays only £450 probate duty, or £675 administration duty, or $1\frac{1}{2}$ per cent and $2\frac{1}{2}$ per cent respectively, or exactly half the rates which the smaller estates pay. Now, Sir, I submit that a principle which leads to such results is altogether radically wrong, and opposed to every principle of common justice and sound legislation. Inequality in either direction would be objectionable; but when it happens that the higher rate is charged on the smaller and poorer estate,

and the lower on the larger and richer estate, instead of levying a uniform rate upon all, it becomes additionally objectionable. I come next, Sir, to the second anomaly—namely, that the tax is levied in groups, and not by an equal percentage. I will again illustrate the effect of this by a few references to the tables of duties attached to the Act of 1815. The first amount in that scale is charged upon estates of £100 and under £200. Go a little higher in the scale, and we find the step is from £2,000 to £3,000. Again ascending a little higher, it passes from £100,000 to £120,000, then from £400,000 to £500,000, and so on, the steps in each case on large estates being steps of £100,000. Now, what is the result of this? Why, simply that whilst an estate of £100, which, where there is a will, pays probate duty of £2, and where there is no will, administration duty of £3, very considerable portions of every large estate, it may be to nearly 1,000 times the amount of the small estate of £100, altogether escape taxation. Take, for instance, the various sums I have mentioned. Thus, an estate under £3,000 pays duty upon £2,000 only, and £990 may altogether escape; an estate under £35,000 pays duty upon £30,000 only, and £4,990 may possibly escape; an estate under £120,000 only pays duty on £100,000, and thus £19,990 may escape; whilst an estate under £500,000 in value only pays upon £400,000, and so £99,999 19s. 11d. may entirely escape payment of duty; or, as I have already said, nearly 1,000 times more than the smallest estate upon which duty is payable. The same remark applies to every estate exceeding £400,000 in value. Can this system, Sir, I ask, be defended for a single moment? Will any hon. Gentleman in this House venture to stand up in his place and endeavour to justify it? Will the House desire that a system which produces such results as these should be perpetuated, especially when, as I hope to be able to show conclusively, it can be so easily avoided? I venture to think not. I now come, Sir, to the third anomaly to which I have referred—namely, that intestate estates are charged a higher duty by 50 per cent than testate estates. Now, Sir, for more than 120 years, from the first imposition of this tax in 1694—namely, down to 1815—no such distinction existed. It seems

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to have been drawn at that time without the least reason, so far as I have been able to discover, being assigned for the imposition of the increased tax by Mr. Vansittart. At all events, no record of any reason is to be found in the pages of *Hansard*. The distinction simply means that if a man makes no will his estate is subject to a tax of 50 per cent in excess of what it would have been subject to had he so made a will. Why, I venture to ask, is such a state of things allowed at the present time? Some persons entertain a very strong objection to making a will at all, and in my own experience it has often happened that persons have been induced to make a will solely on account of its being represented to them that if they did not do so their estates would be subjected to the payment of increased duty, and with no other object whatever. Very frequently no harm at all arises from the omission to make a will where the estate consists merely of personal property. The Statutes for the distribution of the estates of intestates effect a very reasonable and fair distribution, and one which I have seldom heard complained of; and if there were any just ground of complaint, the law might easily make any needful alterations. The mischief of intestacy arises where there is real property, and where, as not unfrequently happens, an infant succeeds to the entire property, to the exclusion of brothers and sisters, who, sharing only in the personalty, have to bear the increased taxation; whereas this penal tax, as I venture to designate the administration duty, does not touch real estate at all, inasmuch as the tax only applies to personal property. An eminent professional friend of mine, whose opinions I hope we shall hear before the close of this debate, said to me a few days ago—"A man who neglects to make a will should be made to pay for it." Why, Sir, this is exactly what does not occur. The man who neglects to make a will has gone to heaven, and, so far from his being made to pay the additional tax, it not unfrequently falls upon innocent persons, and, worst of all, on those who suffer most by intestacy—namely, the younger children who by it have lost any real property, and have thus increased burthens cast upon the personal estate, in which

alone they participate. Now, Sir, my contention is that the power to make a will is a privilege conferred by the laws of this country, wherein our laws differ from those of many foreign countries; and, in my opinion, if a higher duty is to be imposed in one case or the other, it would be more reasonable to charge the higher duty upon probates where the testator has exercised the power the law has given him than in the case of intestacy, where he has not so availed himself of the privilege. Another reason I have heard assigned for this increased duty is that the Court of Probate appoints the administrator, whilst the executor is appointed by the testator himself. But, Sir, this makes no practical difference whatever. The Court assumes no additional duty in the case of an intestacy, except that it requires the person who is entitled to and obtains the grant of administration to enter into an administration bond, with two sufficient sureties; besides which it is to be remarked that when executors die in the lifetime of the testator, or, as occasionally happens, when they refuse to act, and the Court is called upon to grant administration with the will annexed, probate duty only is imposed, and not the higher duty, which, according to some, is imposed in consequence of the appointment of an administrator being made by the Court. This reason, therefore, cannot for a moment be maintained. Now, Sir, another great objection to this tax is that the higher duty on letters of administration presses very heavily upon the poorer classes, for it is amongst these, for the most part, that intestacies occur. The statistics of Somerset House show that, in estates under £300, about one-third are cases of intestacies, and two-thirds of wills; whilst in estates of upwards of £1,000 only one-twelfth are intestacies. Now, Sir, neither in the Parliamentary History of the Records of this House, nor in *Hansard*, have I been able to find any single reason why this distinction was originally made, and I shall be very curious to hear whether any reason whatever can be advanced for a state of things which I consider is anomalous, and which, in my opinion, ought not to be longer continued. Now, on account of these great and, as I venture to think, indefensible anomalies, and for very many other reasons which I could adduce did

time permit, I submit that the probate and administration duties demand and ought to be reformed. But, Sir, I am able to cite some very high authorities in support of the opinion I have thus ventured to express. I have already quoted the opinion of Lord Bexley, expressed when the Act of 1815 was passed, and I now beg to refer to an authority which I am sure will command the respect of hon. Members on the other side—that of the noble Lord the present Prime Minister. In December, 1852, when the noble Lord introduced his annual Financial Statement in this House, he is reported to have made the following observations:—

“The late Government had not neglected carefully to examine the question of the Stamp and Probate Duties, and they thought it not impossible to bring forward, on the right occasion, a duty that would reconcile contending interests, and terminate the system so much complained of.”

I would also beg leave to refer to an authority which I venture to think is the highest authority in the land on financial matters, an authority which will be generally admitted, I think, on both sides of the House—I mean that of the right hon. Gentleman the Member for Greenwich. When he introduced his Budget in the month of April, 1853, he made the following remarks on this subject:—

“With respect to the probate duty, at the present moment we do not venture to deal with it. The probate duty itself, I grant you, calls for reform; and if the Government had the means of carrying into effect that reform in the present year, it would have been satisfactory to have done so. As it is, we are obliged at present to postpone it; but we hope that in a future and early year it will come under consideration.”—[3 *Hansard*, cxxv. 1395.]

Now, Sir, notwithstanding Lord Bexley's opinion in 1815, and notwithstanding these authoritative opinions expressed upwards of 25 years ago, not one single step has been taken in the direction of reforming this tax. It is true, I referred in a somewhat perfunctory way to the subject when the right hon. Gentleman the Chancellor of the Exchequer introduced his Financial Statement last year, and again during the present year, and the subject was introduced by my hon. Friend the Member for Forfarshire, as I have already mentioned, but nothing else has been done. I think my hon. Friend proved, on that occasion, the necessity for a reform of this tax. The

hon. Baronet the Secretary to the Treasury replied for the Government; and after referring to the question of the relative taxation upon real and personal estates, which, as I have already explained, I do not on the present occasion propose to touch, he said—“With respect to the duties on small estates compared with large ones, it was worthy of consideration how far they might be equalized. If any inducement could be wanted, it would be the bait thrown out that a re-adjustment would produce an increase of £4,000,000 to the Revenue. The question as to the difference made between properties of large amount and others of small amount really did require consideration. The subject ought not, however, to be dealt with hurriedly, or by a Resolution of that kind, which he could not support.” Well, Sir, I do not wish the subject to be dealt with hurriedly; but if I am right in saying that the existing system is, as I contend and as I think I have shown it is, unequal and unjust; and if it exempts, as I think I have shown it does, large estates to a considerable extent, and taxes small ones much more heavily; and if this state of things now exists, as I have endeavoured to show it has since 1815, long before most hon. Gentlemen in this House were born; if the necessity for reform has been admitted by the Leaders on both sides of the House since the year 1853; then I think the time has arrived when reform should be no longer delayed, and I hope the House will, by adopting my Resolution to-night, emphatically assert this, and declare that for the purpose of remedying injustice no time can be more opportune than the present. I now pass to the other branch of my subject—namely, the question of legacy duties. Legacy duty was first imposed in 1780 by the 20 *Geo.* III. c. 28. This was at first nothing more than a stamp duty upon a receipt given by a beneficiary in respect of personal estate under a will or intestacy. It had not been long in operation before it was discovered by one of the Judges that it was not a tax upon the legacy, but merely upon the receipt, and that where no receipt was given no duty was payable. In 1783 and in 1789 respectively, the amount of duty was increased; but the interest of a wife, children, and grandchildren was exempted from the additional duties

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imposed in these years, and the principle of taxation remained otherwise unaltered. The rate of duty was regulated by the amount of legacy. For legacies not exceeding £20 two stamps of 2s. 6d. each were required; for legacies above £20 and under £100 two stamps of 5s. each; and so on. In 1796, however, the liability to duty was transferred from the receipts to the benefit itself. This Act is an important one, because it introduced, for the first time in the history of the tax, rates of duty varying according to the degree of consanguinity existing between the deceased and the legatee or next of kin. It does not contain any provision for taxing lineal ancestors or lineal descendants, and it expressly exempts the husband and wife of the deceased from payment of any duty. In the first Act—that of 1780—there were no exemptions on account of relationship. The second and third Acts of 1783 and 1789 exempted the wife, children, and grandchildren from the increased duty, but not from the duty originally imposed in 1780. In the Act of 1789 lineal ancestors and the husband were added to the privileged classes, and they were exempted as well as the wife and the lineal descendants from duty. In 1805, children, or descendants of children, were again brought under the tax; and in 1815, by the Act to which I have already referred in connection with the probate duties, the duty was extended to the father or mother or any lineal ancestor, the wife or husband, as before, being exempted from the duty. When these various rates were first introduced they were upon a much smaller scale than at present. Brothers or sisters were charged 2 per cent, brothers or sisters of the father or mother of the deceased or their descendants 3 per cent, brothers or sisters of the grandfather or grandmother and their descendants 4 per cent, other relatives or strangers 6 per cent. In 1804, when lineal descendants were subjected to a tax of 1 per cent, the other rates were increased to 2½, 4, 5, and 8 per cent respectively; and in 1815, the tax upon lineal descendants and lineal ancestors being then fixed at 1 per cent, the other rates were increased to 3, 5, 6, and 10 per cent respectively, husband and wife remaining exempt. At these rates, and

subject to the same exemptions, the duties have ever since been, and still are levied. I would here remark, Sir, that these were essentially war taxes, having been first imposed in 1796 by Mr. Pitt at a time when this country was engaged in that costly war with France which rendered it necessary for Mr. Pitt to treble the assessed taxes, and to increase the burdens of the people in various directions; but it is not a little remarkable that, whilst every other tax has since been repealed or reduced, and in many instances entirely abolished, these legacy duties, imposed in 1815, have remained unchanged. The incidence of this tax contains many anomalies. In the first place, the duty is payable when the benefit is paid to or retained for the legatee or beneficiary; it attaches to all personal estate of any deceased person domiciled here, wherever the property may be situate. Thus, personal property situate in Australia is subject to duty here; but, on the other hand, personal estate in this country, belonging to a foreigner domiciled abroad, entirely escapes the duty. Simple as this tax would appear to be from the description I have given of it, I hope by a very few remarks to show that it is in reality quite the contrary. In its present incidence I submit that it altogether falls short of what may be termed a good tax—that is, a tax levied upon sound principles, and principles that are generally accepted. I do not profess to be an authority upon the principles of taxation; but I venture to submit that there are a few general principles which ought to distinguish all taxes, and amongst these I may mention the following:—First, that they shall fall equally on all according to their means; second, that all taxes ought to be certain and not arbitrary; third, that they shall be levied in the most convenient way; and fourthly, and lastly, that they shall take out of the pockets of the people as little as possible beyond what they bring into the coffers of the State. I think, Sir, it will be generally admitted that that system of taxation is best which most nearly conforms to the principles I have mentioned. In its inception very little fault could be found with the legacy duty when tested by these principles—it was, as nearly as possible, a money payment over the counter, and nothing more; it was a stamp upon the receipt levied

upon every subject without distinction according to his means. All this is now totally changed—the rates of duty regulated by consanguinity have destroyed the equality of the tax, and have imposed a grievous expense upon the taxpayer. To satisfy the tax as it now stands, the taxpayer has, in a great majority of cases, to resort to legal advice in the preparation of his accounts and receipts. Most hon. Members have probably received those printed instructions from Somerset House which are addressed to executors, and comprised in three closely-printed pages of miniature type, and have, I dare say, very often endeavoured in vain to comprehend all the details of them. In scarcely any case can the duty be satisfied by one payment; in innumerable cases it becomes payable many years after the death of the testator, and has to be levied from the representatives of the persons who were originally responsible. There is no limit of time within which the duty need be claimed, and the liability exists whether application be made for payment or not. The variety of circumstances under which payments are to be made are almost infinite—there is a payment to be made on a determinable interest, such as an annuity; there is a payment to be paid, year by year, on an interest not capable of being accurately measured; payment on the capital of a fund now, and another payment on the same account hereafter. There may be bequests—and these are very common cases indeed—of furniture, more or less ancient in its character, to a young widow, say of 20, for her life. Legacy duty becomes payable upon these at her death, which may be when she has attained the venerable age of 90. In like manner, there may be a bequest of income, say upon £1,000, to the widow for life. It is exempt from duty during her life; then, possibly, the interest passes to a son of the testator for his life, duty is now to be assessed and paid at the rate of 1 per cent. At the son's death, the interest goes, probably, to a nephew for his life; the process of assessment and payment of duty, now at 3 per cent, is again to be gone through. Then, at the death of the nephew, the interest may again pass to a more distant relative, when the duty is again to be assessed, and paid, this time, at the rate of 6 per cent. Finally, the surplus of the fund, it may be 50 or 60 years afterwards,

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passes to a stranger, or more distant relative, when duty becomes payable upon it absolutely. Now, Sir, this last-mentioned case is a very common one, and I would point out to the House that there may be many such under one and the same will; indeed, I have known many such under one will in my own experience. Now, let the House consider the cost of all this. I have no hesitation whatever in saying that in small bequests of this kind the aggregate cost to the State of the clerks employed in recording these bequests, and in assessing and collecting the duty, and the cost incurred by the taxpayer in obtaining the assessment and paying the duty, amounts to a sum larger in the aggregate than the whole of the duty paid to the State. I am sure every gentleman of the legal Profession, and, indeed, probably almost every Gentleman in this House, must know from experience that there is an almost infinite variety of circumstances under which an infinite variety of assessments and payments of duty are to be made, and an almost endless variety of cases where a man avails himself of the power which the law confers upon him, of making a settlement by his will, and thereby escapes the higher administration duty, and does not leave the law to make his will for him. How few men are there who have not, at some time, been surprised to find, through an application from the Legacy Duty Department of the Inland Revenue Office, that they are liable for duties which ought to have been paid long years before. A claim may be now first brought under their notice which has been entered in the Inland Revenue Register so long ago as 1815; the duty claimed may have become due in 1855, and thus may be demanded 25 years after; the liable party may be the executor of some representative of the deceased, and not unfrequently it occurs that the unfortunate recipient of this notice, having no funds of the trust, has to pay the duty out of his own pocket. These cases are well known in my own professional experience, and were the risk the executors run in this respect generally known, few persons would be found willing to undertake the duties of a trustee. The legacy duty, I contend, as now levied, is a most costly one to the taxpayer, and it is equally costly to the State

to collect. A large and increasing staff is kept in the Legacy Duty Department—it appears from the Civil Service Estimates for the present year, that there are nearly 150 officials in that Department, and that the cost to the nation is from £40,000 to £50,000 a-year. I was for some years in the habit of attending personally at Somerset House for the purpose of passing difficult and intricate accounts, and I am able to speak with experience of the character of the staff in the Legacy Duty Department; and I have no hesitation in saying that from Mr. Hanson, the intelligent, efficient, and courteous Controller downwards, and especially amongst the gentlemen immediately under him, there is an amount of intelligence, attention, and courtesy which justifies me in saying that the Crown does not possess a more trustworthy and valuable set of civil servants than those in the Legacy Duty Department. The examination of accounts of a most complicated and difficult character, the determining of intricate and important legal questions devolves upon them; and, besides, they have to cope with the constant attempts that are made to evade payment of the higher duties. Opportunities for this evasion frequently occur, and are only prevented by the intelligence of those to whom this duty is assigned. Then the unfortunate taxpayer has to render residuary accounts, frequently of very complicated character, as well as legacy and other receipts, which are, in fact, now almost accounts in themselves. Then this large and complicated system has to be controlled; and if hon. Gentlemen have ever been to Somerset House, they will be able to form some conception of the magnitude of the Department and complexity of the system. In my own case, in moving for a Return for the purposes of the present Motion, a communication was sent to me by the hon. Baronet the Secretary to the Treasury from the Chairman of Inland Revenue, wherein he stated that to supply the information for which I had asked would entail a search through every register from 1805 to 1879, and that there were 64 registers for every year—in short, there were something like 5,000 volumes to be searched. Now, let the House consider the fruitful source of complaint and vexation and annoyance to the taxpayer which must result from such state of

things. These, as years roll on, must be ever increasing in volume and magnitude, and the difficulty of dealing with them must daily increase. Letters are constantly appearing in the newspapers complaining of the system, and, with the permission of the House, I should like to read a short extract from the Report of the Commissioners of Inland Revenue, presented to the House in 1870—

“With respect to the reversionary and contingent legacies, it appeared to have been the custom to send out notices to executors and other accountable persons at the end of 10 years, and it was suggested that this should be done in future at the end of five years after the first inquiry, and so on continuously every five years until the cases were exhausted.”

The Report proceeds to say—

“But another very important work has been going on. Apart from the review of the books at periods of five years which has been adopted, a number of experienced clerks have been employed in reviewing the old books, commencing with 1812, for the purpose of clearing the registers. We may give, as an example of this work, the year 1814, which has been worked through. There were in the books of this year 242 open accounts; of these some have been cleared by payment of duty, others have been discharged as altogether irrecoverable, and the result is, that there remains 21 cases, and no more, which, being still reversionary, will require further operations. In all the other cases, the executors or their representatives will be set free from the often-repeated but fruitless applications with which they were being periodically disturbed under the old system, and it is hoped that all reasonable ground of complaint will be removed.”

I think, Sir, I need not say more in condemnation of the system which necessitates such a state of things as that just described. Then, Sir, another great objection I have to the legacy duty as now levied is that it is inquisitorial in its character, and that in the very worst sense. It is absolutely necessary to make frequent inquiries, or the duty would be forgotten or altogether lost, as it nevertheless very often is. Is it a rational thing that a husband should be receiving letters continually, asking if his wife is alive, and if not, when she died? Is it a rational thing that a child should be inquired of in a similar manner about his father, or a father about his child? And yet all these are evils necessarily attendant upon the existing system, or the Revenue would be defrauded to a much greater extent than it is at present,

and the question of duty overlooked. Is this a tax, I would ask the House, which ought to be maintained in its present form on any other ground than necessity, or unless that necessity cannot by some means be averted? Then, another objection to the legacy duty is that it is so nearly allied to the probate duty. Probate duty is barely paid before the taxpayer is reminded by the missives from Somerset House, to which I have already referred, that legacy duty is also to be paid. The taxpayer, in many cases, not unnaturally thinks that a double tax is being imposed upon him, and that, having paid probate duty, legacy duty should not be demanded. Both should, in my opinion, be reformed out of existence, and one simple amalgamated tax levied in substitution for them. There are two obstacles, and only two at present, in the way of this amalgamation, and these are the difference between the probate and administration duties, to which I have fully referred, and the consanguinity rates, to which I have also just called attention. Neither of these anomalies are indigenous to the respective taxes—in each case the tax was imposed without these anomalies. The varying rates were first imposed, as I have shown, at a recent period; and in the absence of any information as to the grounds upon which they were imposed, I think it may be fairly assumed that the necessities of the Chancellor of the Exchequer of that day—Mr. Pitt—influenced him. The tax seemed capable of increasing to meet the requirements of the times without offending anyone. The principle upon which it seems to have been imposed was that of expediency. No one objected probably then, and probably no one would object now, to receive a heavy legacy, perhaps unexpectedly, from a distant relative or from a stranger, merely saddled with the responsibility of paying 10 per cent duty on it. A close examination, I think, Sir, of the various changes that have been made in the legacy duties clearly shows the spirit in which these varying rates have been imposed; but I think the House will agree with me that an unsound principle cannot be rendered sound, or an unjust tax made a just one, because it was found expedient during the time of our Continental

Wars to levy it. The consanguinity rates occasion many anomalies. The child of the millionaire pays 1 per cent—the orphan nephew of a struggling mechanic is called upon to pay 3 per cent; aunts and uncles are charged 10 per cent upon bequests from nephews and nieces—nephews and nieces pay 3 per cent upon what they receive from uncles. An adopted child, or aged dependent, pays 10 per cent, whilst a wealthy father succeeds to a son, or *vice versa*, and pays 1 per cent. A man leaves property to his wife's relatives, and they pay 10 per cent—another man takes a bequest from his wife's relatives, and pays at the rate of 1 per cent. A man's wife's sister is his sister-in-law, and, as we know from frequent debates in this House, he cannot legally marry her. Notwithstanding this, we know that the law is frequently disregarded, and when the husband dies, the widow, his second wife is charged 10 per cent upon the property she acquires from him. On the other hand, the wife—the sister-in-law dies, and the husband pays duty on her property at 3 per cent only. A man gives to his father's widow—his stepmother—a legacy, and she is subjected to 1 per cent duty—a stepmother gives a legacy to her stepson, and he is subjected to a duty of 10 per cent. Two sisters may take legacies out of the same fund, and payable at the same time, and one becomes subjected to 3 per cent, and the other to 10 per cent legacy duty. Thus, a testator gives his personal estate to his widow for life, and, at her death, one-half to one of his nieces, and the other half as his widow may appoint. The widow appoints accordingly to the other niece of the testator, the sister of the legatee—the one sister pays 10 per cent, the other 3 per cent. Can any good reason be assigned for any one of these anomalies? Is it rational that such an anomalous system should be permitted to continue? And these, Sir, are but a few examples. I could multiply them almost indefinitely; but these are sufficient to illustrate the absurdities and vagaries of the existing law, and the desirability of its being radically reformed. There is another and more painful aspect in which the consanguinity rates of legacy duty must be noticed. I refer to that connected with illegitimacy. How many are there of both sexes, who have attained man-

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hood and womanhood, and probably would have descended to the grave in that happy ignorance which in such cases may surely be said to be bliss, but for this inquisitorial tax? Nearly everyone knows in his own experience of at least one such case. In my experience, I regret to say, I have known several. Many years ago, two ladies, who had attained womanhood, the daughters of a leading retired surgeon, were told by their professional adviser that they must pay 10 per cent legacy duty upon their father's estate. They were, in the first place, incredulous; afterwards, indignant. Of course, the duty was paid eventually, but they ceased to employ their old and trusted professional adviser; and the knowledge that they had just acquired embittered their remaining days and hastened their deaths, which occurred soon afterwards. Another case, was that of a married woman, who was supposed to be the legitimate child of her father, but who, upon his death, had the unwelcome truth forced upon herself and her husband, and the result did not contribute to their future happiness. Since my Notice appeared upon the Order Book of the House, I have received a short communication from a sufferer, which I will take the liberty of reading. It is in these terms:—

"Sir,—I am glad to find from the newspapers that you are going to bring forward the legacy and probate duty question. I was, I consider, unjustly charged with 10 per cent duty, when my father died, whilst my brothers and sisters were charged 1 per cent only. I have been discarded and insulted by them ever since they became aware of my illegitimacy, which only became known to them since my father's death. I hope some good change will be done by you as to this unjust duty.—Yours, &c., A SUFFERER. P.S.—I hear the law of Scotland is different after the parents are married."

Now, Sir, I could multiply cases of this kind; but I will content myself with this general observation, that the unfortunate results to which I have referred are attributable, solely and entirely, to the consanguinity rates upon legacies, and that these cases afford, in my opinion, a strong additional reason for their total and entire abolition. One peculiar feature of the consanguinity rates is, that they exist only with respect to the legacy duties, and their sister rate, the tax upon successions. If the principle involved in these rates is right it ought to be extended. A man upon the marriage

of two children—one legitimate and the other illegitimate—makes a settlement upon both. Each is subject to the same rate of stamp duty; if he dies, both are subject to the same rate of probate or administration duty; but when a stage further is reached, and the legacy duty is payable, then one pays 1 per cent, and the other 10 per cent. Conveyances are dealt with in the same way precisely. Everything, in short, that is subject to stamp duty is assessed upon equal rates, regardless of consanguinity, except the legacy and succession duties, and these, I submit, ought to follow the general rule, and ought to be charged upon all persons alike. One objection has been advanced to my proposal as to levying a combined duty, and that is, that widows would be brought into the tax; but I would point out to the House that widows are not now exempt as widows, but merely as the widows of donors, and I can see no reason why this exemption should exist even under such circumstances. A widow pays the same probate or administration duty as other persons; she pays the same income tax upon the income of any fund that may be left to her by her husband or anyone else, and why should she not pay the same rate of legacy duty? Moreover, if my suggestion of a combined duty be adopted, it would really not impose any very substantial burden even upon the widow. If the estate be a small one—say £100 in the case of an intestacy—the administration duty is 4½ per cent. The combined duty I propose should be levied is 4 per cent only, and in such a case the widow would be a gainer. In the case of a will she would pay a little additional tax. In the event of a life interest, the additional duty would be very inconsiderable, and the children who succeeded her would, in fact, be gainers. Legacies coming to a widow from any other source than from her own husband are now liable to the ordinary duty; and I would only say, in reference to the exemptions now extended to widows, that exemptions of every kind are, as a rule, bad and indefensible. Looking then, Sir, at all the circumstances of the case, I think the objection as to widows being taxed in future fails equally with the other objections to which I have referred, and I think the legacy duties should be reformed in this as in the other respects to which I have called attention. Well,

Sir, if I have established my premises—namely, that in lieu of probate or administration duty, one uniform charge should be imposed upon the estate of every deceased person, and if the House agrees with me that the differential rates of duty upon benefits under wills or intestacies should be abolished, then I am brought to my third proposition—namely, that these duties should be amalgamated, and that there should be levied one duty only at one uniform rate upon the personal estate of every deceased person. Proposing, as I do, to abolish all the existing probate, administration, and legacy duties, it occurs to me that many modes of supplying their place are practicable and simple. I will, however, sketch one, in order to show how comparatively easy it is to supply the place of what I propose to abolish. In Scotland and in Ireland an inventory is now recorded at the time of taking out probate or administration. I would make such an inventory the basis for the new tax throughout the United Kingdom. Let the inventory be first tendered as an account, either at Somerset House or to an officer appointed by the Commissioners of Inland Revenue at each district registry of the Court of Probate, and let him examine it or compare it with the proper valuations of furniture and other like effects, and with the proper certificates of the value of shares, stocks, &c.; and having satisfied himself of the accuracy of the inventory, let him then certify the amount of duty. Such inventory should, in my opinion, form an integral portion of the probate or letters of administration, and any persons owing moneys to or holding moneys or effects of the deceased should only pay over or deliver the same upon ascertaining that it is included at its proper amount in the certified inventory. A precedent for this principle is to be found in the 47th section of the 48th *Geo. III.*, and it would, in a slightly extended form, apply to a case of this kind. Then the situation of the property ought alone to regulate its liability to duty, and accordingly an estate should not be taxed, as it often is now, both in Australia, for instance, and in this country, upon the same item. In the event of any item being omitted, an eik, or additional inventory, might be recorded, and further stamp duty paid. A slight mistake in the original inven-

tory might be corrected by a certificate of the Commissioners of Inland Revenue upon their being satisfied that the error arose from a mistake. I do not wish, Sir, that by my proposal the amount derived from the probate and legacy duties should either be increased or diminished. My Resolution does not contemplate any direct increase or remission of taxation; but I am satisfied that there would be a great individual gain by reducing the cost necessarily incurred, not merely by the taxpayer, but also by the Exchequer. The cost of collecting the duty would be very much diminished, and the official staff at Somerset House reduced. It appears, as I have already mentioned, that there are nearly 150 officials, at a cost of from £40,000 to £50,000, employed in the Legacy Duty Department at Somerset House. I have no accurate or precise information as to the number of those who are engaged upon the old accounts, and in assessing and collecting the old duties; but I have reason to believe that at least three-fourths of the whole is to be attributed to the old accounts, the whole of which would in time be got rid of. If the present system continues, the expense now being incurred must be perpetually increasing; but, on the other hand, if my system be adopted, the present staff would be required for a time to collect the old duties, and as the present officials retire upon their pensions or superannuated allowances, it would be unnecessary to fill up their vacancies. In this way a considerable saving would eventually be effected. One objection has been alleged to my proposal, and that is, that the change might throw all the duty upon the residuary legatee; but I contend this would not necessarily follow—the testator might either give his own directions, as he now gives directions whether the legacy is to be paid free from duty or not, or the law might itself enact that, as in cases of intestacy, there is a distribution of the intestate estate, so under wills each beneficiary should bear an aliquot share of the original stamp duty. With regard to the mode of collection, my hon. Friend the Member for Forfarshire suggested that the tax should be collected as the legacy duty now is, but that, I submit, would only remove one of the present inconveniences, and would perpetuate delay in collection. Indeed, as regards the probate duty, it would in many cases

cause that to be deferred which is now generally paid almost immediately after the testator's death. The objects I have in view are very plain and precise. In the first place, I desire to simplify the present complex system; secondly, to have one equal charge upon all personal property alike; thirdly, to make the payment fixed and certain; and, fourthly, to encourage the payment at an early date and in one sum by an equitable and liberal scale of discount or rebate. Facilities might be given to executors and administrators, who frequently experience difficulty in obtaining the means for paying probate or administration duty. Indeed, it not unfrequently is necessary for the solicitor to advance the amount himself for a time. Now, if the Legacy Duty Department were empowered to issue, with a certificate of the amount of duty payable, an authority for payment of it, either by the Bank of England, where the deceased was possessed of Government Stock or Funds, or by any bank holding money belonging to deceased, or any insurance company, or to anyone in possession of the personal estate of the deceased, the payment would be very greatly facilitated, and an inconvenience now very frequently experienced in practice would be entirely removed. My proposal involves no change of the law other than the repeal of the existing probate and legacy duty rates except one or two trifling ones. First, an alteration of the Succession Duty Act as regards leaseholds, which are now in an anomalous position, being subject to probate duty in the first instance, and to succession duty afterwards. I think these should be made either one or the other, and I would let them revert to the position in which they stood before the Succession Duty Act of 1853, and treat them altogether as personalty and subject to my proposed combined duty. In the next place, it would be necessary to repeal so much of the Act 45 Geo. III. cap. 28. section 4, and thereupon real estate directed to be sold, and legacies charged upon real estate, would fall under the Succession Duty Acts. These two changes would simplify the existing system, and I believe in no other way would my Resolution affect the laws relating to real estate. I do not, as I have already said, advance any plea for remission of taxation. I propose, in

fact, that the Chancellor of the Exchequer should realize as much under my proposed system as he would do under the existing system. Now, the probate and legacy duties, taking 1877-8 as a basis—for I have not been able to procure precisely accurate returns for the last year—may, for 1878-9, be estimated at £4,789,724. The capital upon which probate or administration duty was paid in 1878-9 was, roundly, £138,000,000, and duty at 4 per cent upon this sum would produce £5,520,000, showing a surplus over the probate and legacy duties upon the last year of £720,000. Under the existing system the legacy duty upon wills proved during the current year may become payable at any time over the next 50 or 60 years. Should my proposed system be adopted, every tax would be paid once for all; and hence there would be no doubt or suspense, as there is at the present time. I have been unable to procure details of payments of legacy duty during the last two years, distinguishing the amounts paid under old and under recent wills, owing to the cost and delay that would have been occasioned by making such a Return. During the first collection of the combined duty, large sums would still be coming in in respect of legacy duties under old wills, and at a low estimate, in the absence of precise data, I estimate that that would realize at least half the annual sum paid during the preceding year—namely, £1,500,000, and this would continue, although of a gradually diminishing amount, which would form no despicable item in the Budget of Ways and Means for many years to come. Now, Sir, a surplus of £750,000 from the proposed direct tax of 4 per cent, together with £1,500,000 for duties under old wills, would make £2,250,000—a sum which, I venture to think, ought to have some considerable attraction for the right hon. Gentleman the Chancellor of the Exchequer, especially in these times. There would be no actual addition to the taxation upon the people, but merely a rearrangement of duties, and making immediate instead of deferred payments, for which the taxpayer would have an equivalent in an immense saving of cost and vexation and risk and loss. There are 5,000 voluminous registers, of which we have heard as being at Somerset House,

would not be increased, as they necessarily would under the existing system; the staff, also, instead of increasing, would be gradually diminished, and great saving would be effected, economy of collection would be combined with an increased Revenue; and all this would be attended by a certainty of assessment and saving of great expense by the sweeping away of vexatious regulations. There would be no very great increase in the taxation of any class, and even the class paying 1 per cent would not find the amount payable by them very much increased. At present the probate duty varies from $1\frac{1}{2}$ to 3 per cent, and the average may be taken at 2 per cent. Administration duty varies from $2\frac{1}{2}$ to 4 per cent, and the average may be taken at about 3 per cent; so that even the most privileged class, who are now subject to legacy duty at 1 per cent only, pay, including probate duty, 3 per cent, and, including administration duty, about 4 per cent. All other payers of higher rates, as a rule, would gain by what I suggest; and, generally speaking, I cannot doubt that the change would be of the greatest possible advantage alike to the taxpayer and the nation. Another advantage, and it is the only other one I shall venture to mention, is the elasticity of the system I propose, as compared with the existing system. Since 1815 the probate and legacy duties have practically been incapable of expansion or contraction. Under my system they would be capable of increase to meet the exigencies of the State, and I can conceive no reason why, whilst the Income Tax is being increased, some increase should not be made upon the probate and legacy duties. On the other hand, should the good time coming ever arrive when we shall again witness a remission of taxation, then the probate and legacy duties could be diminished in their due proportion. On every ground, I feel that I may safely urge the adoption of my Resolution upon the House, satisfied as I am that it will be to the benefit of all parties. Before I sit down, Sir, I must refer to the Amendments that have been placed upon the Paper. The first is that of my hon. Friend the Member for East Sussex (Mr. Gregory), who proposes to re-consider and revise the progressive rates of probate and administration duty, and to give greater facilities for assessment and

settlement of legacy and succession duties upon future or contingent events, and for the relief of executors, administrators, and trustees, in respect of the same. Now, Sir, I venture to think that my hon. Friend will find it impossible so to deal with future or contingent events; and if he goes into the matter fully, I believe he will arrive at the same conclusion that I have, and will find that his object cannot be better effected than by the adoption of the system suggested in my Resolution. Under these circumstances, I confidently hope that I may rely upon having my hon. Friend's support. There only remains the Amendment of my right hon. Friend the Member for Montrose (Mr. Baxter), which he proposes to make to my Resolution. This proposition involves a new principle, upon which, as I have already said, there would be a great diversity of opinion on both sides of the House. My proposition involves no new principle, and, therefore, I am reluctantly compelled to ask my right hon. Friend not to press the addition of which he has given Notice. I merely propose to combine certain existing duties, and I do not think this at all warrants the introduction of the larger question as to the taxation to be imposed upon real estate. I now beg to move, Sir, the Resolution of which I have given Notice.

Motion made, and Question proposed,

"That, in the opinion of this House, it is expedient that in lieu of Probate and Administration Duty, which is now payable according to unequal rates, upon the personal estate of deceased persons, and in lieu of Legacy Duty, which is now payable at various rates and various times in respect of each separate gift by will, and each separate share of an intestate's estate, one Duty only should be levied, at a uniform rate, upon the value of the personal estate of every deceased person."—(*Mr. Dodds.*)

MR. J. W. BARCLAY: Sir, my hon. Friend has dealt so exhaustively and so ably with the matter before the House in the speech which he has just delivered, that I shall not detain the House but for a few minutes in supporting the Resolution. I wish especially to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to how hardly these probate duties fall upon small estates, not only in respect of the large amount of duty charged on these estates, but in the form of legal expenses caused by this duty. A Return

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placed before this House at the beginning of last Session showed that the total number of estates dealt with during the year 1877-8 was 40,906. Of that number 13,749, or one-third, were estates under £300 each, and the total amount of duty levied on them was £48,831. Now, the average amount of duty paid by these small estates, I find, was almost 2 per cent on the whole. The same Return shows that estates of £30,000 each and upwards paid only something less than $1\frac{1}{2}$ per cent. But to these percentages must be added the charge on the estates caused by the duty. I find that the average sum paid by the estates under £300 was no more than £3 10s. each; but anyone who has any experience of the expenses in such matters, will be of opinion that the legal expenses involved by the payment of this £3 10s. were very likely nearly twice that amount. Therefore, it will be seen that these small estates had to pay 2 per cent probate duty, and further legal expenses of between 2 and 4 per cent in making up the statements required with the payment of the duty. The hon. Member who has just addressed the House has referred to the large expenditure which might be saved at Somerset House if these duties were simplified. I venture to suggest to the Chancellor of the Exchequer, in dealing with this subject, that estates under £300 might be altogether exempted from duty. I venture to think that in so doing the Revenue would suffer very little loss, because, as I have already mentioned, one-third of the whole of the estates consists of the smaller estates under £300, and these must necessarily involve a very large proportion of the work at Somerset House. I think that estates of deceased persons of less than £300 per annum might fairly be considered to correspond with an income of £150 a-year, and ought to be exempted from probate duty, as the small incomes are exempted from Income Tax. For reasons of economy as well as of equality, I hope that the right hon. Gentleman will consider the propriety of exempting estates under £300. I hope that the very able and lucid speech which my hon. Friend has addressed to the House will be productive of a very satisfactory division, should one be necessary, and that the House will, by a large majority, strengthen the hands

of the Chancellor of the Exchequer in dealing with this subject in his next year's Budget.

MR. GREGORY, in rising to move, as an Amendment, to leave out from the word "expedient" to the end of the Motion, in order to insert the words—

"To reconsider and revise the progressive rates of Probate and Administration Duty, and to afford greater facilities for the assessment and settlement of Legacy and Succession Duties upon future or contingent events, and for the relief of executors, administrators, and trustees in respect of the same;"

said, he concurred with the hon. Member for Stockton (Mr. Dodds) so far as progressive rates were concerned; they were unequal in their operation, and objectionable in their assessment, large estates paying less in proportion than small ones; but his hon. Friend went further than this, and proposed to assimilate the duties on probates and administrations. He, on the other hand, thought there should be some difference between the two. The making of a will was an imperative duty; and if a man choose to leave his property to the disposition of the law, he did not see why those who benefited by the administration of the law should not pay something for it. With regard to legacies, the proposal of his hon. Friend amounted to this—he would equalize the duties on all legacies, and charge the whole duty on the general estate. All parties were to be assessed to the same duty in respect of the bounties they took under a will, but he thought it was a natural and just principle to regulate the duty according to the consanguinity of the beneficiary. His hon. Friend was driven to this dilemma, either to charge the whole duty on the residuary estate, or to apportion it among the legatees. As to the proposition that a testator himself should regulate the portion of duty to be paid by each legatee, it would impose a duty on a testator which would very seldom be performed; but he thought that further facilities should be afforded for the payment of legacy duties and for discharging executors and trustees in all cases in which one party was entitled for life and another in remainder. It might be said that in cases where the duties would be assessed at different rates, some hardship would accrue to the remainderman in the duty being levied on the whole legacy in the first

instance, but he believed that this would be so small in effect as to be inappreciable. Again, he thought, executors or trustees should have the power of giving notice to the Inland Revenue Office that they were about to distribute the funds in their hands, and require the Office if they had any claim upon such funds, to make it within a limited time, and if the Office did not make such claim, that the trustees or executors should be discharged. Again, with regard to succession duties, a case had occurred in which the trustees had elected to pay the succession duties by instalments, but, unfortunately, one of them forgot to pay the last instalment. The thing was undiscovered for years; but when the owner came into succession, he was called upon to pay all the instalments with interest at 4 per cent for 14 years. In a case of that kind, he thought that the principal alone ought to be recoverable. If the changes he had suggested were made, he did not think any more was required. He begged to move the Amendment of which he had given Notice.

MR. GOLDNEY, in seconding the Amendment, said, he agreed with his hon. Friend that, on the whole, the present law worked very well, and was a just law. It was a law which prevailed in all civilized States, and was first adopted in this country under William III., when it was brought from Holland. In 1780, the tax was simply 1 per cent upon legacies above £100; in 1783, it was increased to 2 per cent; and in 1789, to 3 per cent. In 1796, a proposition was brought before the House to increase the duties; and a very long debate followed. On a division, as to whether real estate should be brought under the same rule as personal estate, the numbers were equal, and the Speaker gave his casting-vote against the proposition, so that there might be further time for consideration, and the subject dropped. In 1805, differential duties were introduced; and in 1815, it was established that children who had a natural claim should pay a smaller amount than those who had not the same natural claim. It was manifestly unjust, that those who had a natural right to be maintained should pay the same duty as those who had no such right. The argument in the case of the probate and succession duties were similar. Again, it might be argued, that if too

large a duty were imposed on children, who were the immediate objects of the testator's bounty and care, parents would be induced to make provision for them before death, and would thereby evade payment of the percentage to the State. As a matter of fact, that happened rather frequently, even with the existing low duties. He believed that the legacy duty could not be increased without detriment to the State, and that, as it stood, it was based on fair principles, of which the advantages outweighed those of the fixed duty which had been suggested. No doubt, the present system caused considerable expense; but he had never heard of any injustice done in the whole great establishment of Somerset House. He believed the differential duty was better for the public than a fixed duty would be, inasmuch as it did not offer any temptations to the Chancellor of the Exchequer to levy those increases which the hon. Member seemed to think desirable. The total value of personal property had largely increased of late years, till it now amounted to 80 per cent of the whole. That was a circumstance which seemed to have escaped the attention of the hon. Member for Stockton (Mr. Dodds). It was surprising that only the remaining 20 per cent was liable to contribute to local taxation. That fact was an answer to many of the arguments they had heard; and, taking it together with other facts, he had no difficulty in giving his vote against the Resolution.

Amendment proposed,

To leave out from the word "expedient" to the end of the Question, in order to add the words "to reconsider and revise the progressive rates of Probate and Administration Duty, and to afford greater facilities for the assessment and settlement of Legacy and Succession Duties upon future or contingent events, and for the relief of executors, administrators, and trustees in respect of the same."—(*Mr. Gregory.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BAXTER said, he wished to say a very few words with regard to the Notice which he had placed on the Paper, and which was as follows:—

"To move to add to Mr. Dodd's Motion—'and that with respect to the Probate, Legacy and Succession Duties real estate should be placed on the same footing as personal estate.'"

Mr. Gregory

The first remark he would make was to express his surprise at the total inconsistency between our practice in regard to these duties and our practice with regard to other taxation. With regard to other taxation there was a practice, which he very much regretted to see, of exempting the lower portion of the middle classes from taxation. This practice was, he considered, carried very much further than the benefit of the State justified. The principle adopted in the case of the Income Tax was directly opposite to the principle which they were now discussing with regard to the duties touched upon in the Motion. There was another singularity with regard to the succession duties, and that was that no defence of any kind, good, bad, or indifferent, had ever been made from the Treasury Bench by any Chancellor of the Exchequer of the anomalies or inequalities so ably pointed out by his hon. Friend the Member for Stockton (Mr. Dodds). There had been some defences made from time to time by some independent Gentlemen; but it was a remarkable thing that the Chancellor of the Exchequer, speaking with authority, had never been able to defend these duties. It appeared to him that it was utterly impossible to justify the taxing of small successions at a higher rate than large ones, and the taxing of testate and intestate estates at different charges, and the taxing of real estate where it was used for the purposes of trade, whilst, where it was not used for the purposes of trade it got off scot free. These anomalies and inequalities in the present system had not only been frequently pointed out, but they had been proved to demonstration time and again in that House. To his mind, it was most surprising that no Chancellor of the Exchequer had ever had the courage to grapple with this matter; and the more especially so because it was perfectly evident that any honest, logical attempt to remove these anomalies and put on a uniform duty, as proposed by his hon. Friend the Member for Stockton, would add, he believed, something like £1,000,000 sterling to the Revenue of the country. The present system appeared to him to be radically defective, and he thought it was no use attempting to patch it up in the manner proposed by the hon. Member for East Sussex (Mr. Gregory). He

should, therefore, give his support to the Motion of his hon. Friend the Member for Stockton. But he was most desirous of saying that he did not think the House of Commons would be satisfied with stopping here. He claimed, in the interests of justice, that real heritable property should be placed on precisely the same footing, with regard to these duties, as property which was moveable. He was afraid that the country—the electors—were not sufficiently aware of the gross inequality of the law in this respect. He had an abstract of the Parliamentary Return, issued in February, 1878, for the year 1876-7, from which he found that on personal or moveable estates the probate or inventory duty was £2,260,176, and legacy duty £2,846,054, making together £5,107,130; whilst the succession duty on real or heritable estates was only £849,340, making a difference of £4,257,700. The right hon. Gentleman the Member for Greenwich calculated, some years ago, that if the real property were taxed it would add £2,000,000 to the Exchequer; but the Conservative Party insisted that it would involve a tax of a much greater extent, and Lord Cairns said that the landed property of the country, if that alteration were made, would pay £8,000,000 a-year. He had gone into a calculation himself, but, at that late hour of the night, would not trouble the House with it. It would be sufficient for him to say that he thought any person who had studied this subject thoroughly must come to the conclusion that the exemption of landed property from these duties cost the country not less than £4,000,000 a-year. He had never been able to see why they should not be placed on the same footing, and every great financial authority, who had written and spoken on this subject, took the same view. Many years ago, Mr. Gwynne, the Comptroller of the Duties, addressing the Commissioners of Stamps and Taxes, said—

“It is a matter of surprise that the legacy and probate duties have not yet been extended to real as well as personal estate. Clearly, there is no distinction between them which on any sound principle of finance should exempt one description of property and not the other.”

In Mr. M'Culloch's article on taxation in *The Edinburgh Review* for 1860, he read as follows:—

"We cannot but think that the mode of charging the duty (meaning the three duties before specified), as well as the duty itself, should be identical on all parts of property; and that if an individual succeed to an estate or other real property which would sell for a certain sum, the duty should be imposed on that amount. This would be a plain and, apparently, an equitable proceeding; for it is not easy to see why one variety of property should be dealt with in one way, and another in a different way.

... The result of the present system of assessing the tax on real property is such that it is not supposed to yield a third part of what it would yield were it assessed in the same way that it is assessed on money and other personal property. It would require very conclusive reasons to justify a distinction of this sort, and, as we have seen, none such really exist. The sooner, therefore, that this discrepancy is terminated, and the duty assessed in the same way on all descriptions of property, the better it will be for all parties. Anything like even the appearance of favouritism in taxation should be carefully guarded against. It is uniformly productive of the worst results, and is especially objectionable when, as in the present case, it is manifested on the side of the richer and more powerful classes."

Now, the only argument he had heard against the taxation of real and personal property was the old theory of peculiar burdens on the land of the country. As a landowner himself, he denied that theory, and he felt persuaded the time would come when the House would have to free itself from the charge that the landowners took very good care of themselves in the matter of the succession duties. ["Oh, oh!"] Hon. Gentlemen cried "Oh, oh!" but he wished to remind them that the Land Tax was based on a valuation made some 200 years ago which now was merely nominal. He entirely agreed with his hon. Friend who had just sat down (Mr. Goldney) in what he said about Corporations. He could see no reason why Corporations should be exempted. This subject was occupying more attention than many hon. Gentlemen believed, and he himself had presented several Petitions, very much to his surprise, in favour of this Motion. He thought that the Government had now an excellent opportunity, before the Budget of next year, of allaying the feeling of discontent which existed, and, at the same time, adding a very considerable amount to the national Exchequer.

THE CHANCELLOR OF THE EXCHEQUER said, the Amendment, or rather rider, which the right hon. Gentleman the Member for Montrose (Mr. Baxter) had placed upon the Paper was not

before the House, and the few observations which the right hon. Gentleman had made showed that they were not to be called upon on that occasion to discuss that Amendment. He thought the right hon. Gentleman had exercised a wise discretion in not inviting them to enter upon so large and difficult a discussion as that which would have been raised if the House had been asked to consider the Amendment. He protested against some of the assumptions which the right hon. Gentleman had made, and he thought that if the question were argued out, it would be easy to adduce very good arguments against the doctrine of the right hon. Gentleman, that real estate should be taxed as regarded legacy duty upon the same footing as personal estate. The right hon. Gentleman had given an inadequate view of the difference between the burdens which fell upon real estate and upon personal estate. He thought that if the right hon. Gentleman would analyze his estimate of the value of real property, and correct it by deducting charges in the nature of mortgages and other charges, he would find that that value was not as large when compared with the wealth of the country as he would have the House believe. He, however, proposed to confine his observations to the question raised by his hon. Friend the Member for Stockton (Mr. Dodds), and to treat his Motion from a purely practical point of view. He understood that the object of his hon. Friend was to bring to the cognizance of the House the anomalies which undoubtedly existed in the present system under which probate and legacy duty upon personal property was levied. The charges which the hon. Gentleman brought against that system were three—namely, that the smaller estates were charged with the highest rate of duty, that the scale of assessment proceeded by jumps, instead of by regular percentage, and that an objectionable difference was made between the charges on testate and intestate estates. In the justice of the first of these complaints he entirely concurred, it being perfectly clear that the scale as it stood at present bore more heavily upon the smaller estates than upon the larger. This was a matter which called for attention, and, at the proper time, for remedy. As to his hon. Friend's second charge, he thought it would be far more

Mr. Baxter

convenient that the scale should be in the nature of a scale by steps, than in the nature of a percentage duty, because of the great difficulty that there would be in assessing the duty by percentage if stamps were to be used for the purpose. It would be extremely inconvenient to keep stamps of every variety necessary to meet the peculiar incidence of a strict and accurate percentage duty. The hon. Gentleman might say, "Why should you use stamps? Why should you not adopt my principle of having an uniform tax to take the place both of the probate duty, which is raised by stamps, and the legacy duty, which is raised by percentage? Why not substitute for these two an uniform percentage duty?" But if this suggestion were adopted, if the same amount of revenue was to be raised, and he assumed that that was intended, it would be necessary to substitute for a tax which was levied partially by stamp upon probate, and subsequently by percentage upon legacy duty, an uniform amount which would cover both those charges. This would be to place a very heavy charge upon successors to property, who probably in many cases would not find it very convenient to bear it. The hon. Gentleman had referred to the fact that it often happened that persons coming into property were unable to pay probate duty without inconvenience. How great, then, would be the inconvenience to which they would be subjected supposing they were compelled to find the full amount, as would be the case if the hon. Gentleman's suggestions were adopted. And for this reason, that it provided a self-acting machinery by which the amount of the property was ascertained by the probate stamp which the person who was entitled to the property was anxious to obtain, and who would, therefore, not attempt to evade the duty. He thought that it was more convenient and more secure for the Revenue, and certainly more convenient for the person who had to pay the duty, that the duty should be levied partly in the form of probate duty, and partly in the form of legacy duty. He fully admitted, however, that the scale on which the duty was levied should be re-considered. But, in re-adjusting the duty, he did not think that the proposal of the hon. Member would be advantageous, either to the Exchequer or to those who

had to pay it. The third complaint which had been made was that a difference was made between the duty on intestate estates, and those which were bequeathed by will. Upon that subject, however, he should wish to reserve his opinion. He was by no means prepared to say that he should not admit the force of the argument which had been used in reference to it; but, at the same time, he did not wish to pledge himself to anything until he had given further consideration to the matter. In order to place the two classes of estates upon an equal footing, it would be necessary to raise the amount of the duty upon testate estates. He admitted that these were all matters that required consideration, and since last year he had given some attention to the subject. The hon. Member, however, must admit that this was a very difficult question, which had been for a number of years under consideration by the ablest financiers, who, down to the present time, had been unable to see their way to a solution of the problem. In these circumstances, he did not think he was open to any serious charge for not having as yet succeeded in satisfactorily settling the question. Dealing with the subject of consanguinity, he must remark that if too high a duty were exacted in respect of property bequeathed from father to son, or from husband to wife, the Revenue would lose largely by means of *inter vivos* arrangements, while a good deal of ill-feeling might be roused by adopting that course. With regard to the subject of the descent of property to illegitimate issue, while he admitted that many hard cases might result from the operation of the present system, he doubted whether it would be wise to disturb an arrangement which had existed for so long. Though he admitted the justice of much that had been said by the hon. Gentleman, he should demur entirely to the acceptance of such a proposal as that he had placed on the Paper. It would be altogether unwise to commit the House to such a proposition as that there should be an uniform rate of the value of personal estate. General questions of taxation were open to considerable doubt; but, with regard to this, it was a proposal of a different character. It asked the House to commit itself to a specific plan which he could not admit

to be the right, or best plan even, to attain that which the hon. Member wished, and he, for one, would not agree to it. If the House were to pass any Resolution at all, he thought the Resolution as it would stand with the Amendment of his hon. Friend the Member for Sussex (Mr. Gregory) would be harmless and, to a certain extent, beneficial. He should prefer that no Resolution should be passed at all, and that the House should be contented with the discussion, which had been of a very interesting and suggestive character; but, if a division were taken, he should be prepared to negative the Motion of the hon. Member for Stockton, and to support the Amendment of the hon. Member for Sussex.

MR. DODDS said, he had no wish to detain the House, but he must beg leave to say a few words in reply. With reference to the remarks of his hon. Friend the Member for East Sussex (Mr. Gregory) as to the desirability of making a man pay for the administration of his estate by the law in the event of his dying intestate, he thought the hon. Member could scarcely be serious in putting such a proposal forward. The Act for the distribution of intestate estates imposed no duty on the State. The representatives of the man who died intestate were responsible for putting it in operation. He could not conceive the smallest reason for the differential duty being paid on that account. As to the suggestion about an estate with a life interest and remainder over to somebody else, the difficulty could be got over in the simplest possible way by taking the whole duty out of the corpus of the fund, by which arrangement everybody would pay equally from the commencement. The tenant for life would have £100 reduced by 4 per cent, and would receive the interest upon 96 per cent. Then it was said that the duty would be thrown entirely upon the residuary legatee, if the testator did not make a proper provision for the duty in his will. But the hon. Member must know very well that a solicitor, in drawing a will, always took the instructions as to whether duty was to be charged upon a particular legacy or not. It was the duty of the solicitor to see to that in drawing a will; while, in the case of an intestacy, the difficulty would not arise, because each would take his share out

of the portion. Then it was suggested that it was very hard to charge interest upon the duty, where it had not been paid for a long time. He quite admitted that it did sometimes seem hard, and in one case recently, within his own experience, where the duty was £1,000, the interest was between 20 or 30 per cent of that amount. But he could see no hardship in the arrangement. The duty was due, and if it had been paid, the State would have had the benefit of it; while, on the other hand, the person having the money, had no doubt been making more of it than the 4 per cent the State charged him. He must beg pardon of the hon. Gentleman opposite (Mr. Goldney) for interrupting him. He thought the hon. Member was mixing up the probate and legacy duties. The probate duty certainly was brought in in 1694; but the legacy duty was not imposed till the year 1780, in the time of George III. With regard to the case of a man selling property, he must remind the hon. Gentleman that there was no difference whether a man sold to a relative or to a stranger. Therefore, he failed to see any answer to his proposal in that objection. It must be remembered that he was not suggesting for a moment that there should be any increase in these duties. The Chancellor of the Exchequer had clearly defined that; his proposal simply was that the same duty should be levied in a different form. He thanked the Chancellor of the Exchequer for the way in which he had accepted some of his propositions, and he hoped now that the question was clearly before the House, that the Government would take it up another year. He might add, as to the difficulty of raising money, that if a certificate were granted at the Inland Revenue Office of the amount payable, and that certificate were made a voucher to the insurance companies, or the bankers, anyone having any part of the estate could easily get money. If that was not done, then they might make a portion payable after a certain time. He had heard nothing during the debate to impair or weaken his case, and he must therefore ask the opinion of the House upon it, feeling quite sure that the time was not far distant when his proposition, or something very like it, would be agreed to by some Chancellor of the Exchequer.

The Chancellor of the Exchequer

Question put.

The House *divided*:—Ayes 59; Noes 131: Majority 72.—(Div. List, No. 105.)

Words *added*.

Main Question, as amended, put.

The House *divided*:—Ayes 131; Noes 24: Majority 107.—(Div. List, No. 106.)

Resolved, That, in the opinion of this House, it is expedient to reconsider and revise the progressive rates of Probate and Administration Duty, and to afford greater facilities for the assessment and settlement of Legacy and Succession Duties upon future or contingent events, and for the relief of executors, administrators, and trustees in respect of the same.

SUGAR INDUSTRIES.

NOMINATION OF SELECT COMMITTEE.

Motion made, and Question proposed, "That the Select Committee do consist of 17 Members."—(*Mr. Ritchie*.)

MR. ISAAC said, that he should like to ask the attention of the House while he made a personal explanation on the matter, and he trusted no hon. Member would object to his doing so. He would refer to two matters—1st, to the debate that took place on the 2nd April last, on a Motion of his own, in which he called the attention of the House to the formation of the Select Committees on Public Business; and, secondly, to the debate raised by the hon. Member for the Tower Hamlets (*Mr. Ritchie*), on the question of the sugar industries. He was bound to revert to those two questions, for the purpose of showing that he had a reasonable, proper, and Constitutional right to oppose the nomination of this Committee of 17 Members, and that he did not raise his objections for the purpose of obstruction. It had been allowed that every hon. Member of the House was entitled of right to comment upon all matters of Public Business that came before it, and he might say that, although his name appeared in the Division List in support of this Committee, he went into that Lobby by mistake; but he did not think that it was of sufficient importance to go to the Table with the Tellers for the purpose of rectifying his error. In his own justification, he might say that he told the hon. Member for the Tower Hamlets of his intention to raise an objection to the Committee, and that he called his atten-

tion to the Standing Order of the 25th June, 1852, by which the number of Members to be nominated on any Committee was limited to 15, unless by special consent of the House. So far, he had done all that one hon. Member should do in giving Notice of his intention to object to the Committee. But the names did appear on the Paper after he intimated his intention to object to the nomination, and when the names appeared on the Paper, his objection was very much stronger, and in that objection he was joined by several hon. Members of the House, and a Notice of objection by another hon. Member appeared on the Papers of the House at the same time that his own did. His hon. Friend the Member for Swansea (*Mr. Dillwyn*) put an objection on the Paper; but, for some reason of his own, he had withdrawn it. But that did not interfere with his (*Mr. Isaac's*) objection. He entertained a strong opinion with respect to the number of names submitted for nomination on these Committees, and he contended that he was within his Constitutional right in objecting to the Committee consisting of 17 Members. In answer to a Question that was put to him, the Chancellor of the Exchequer had appealed to him to withdraw his opposition. He could not answer the Chancellor of the Exchequer that evening, nor could he express his views upon the subject on the occasion without putting the House to great inconvenience; but he left it in the hands of the Chancellor of the Exchequer to arrange the matter, and had agreed with the right hon. Gentleman the Chancellor of the Exchequer that if the number of the Committee were limited to 15, he would no longer raise an objection. The only stipulation he made to that offer being that the two names last put on the Paper—namely, the hon. Member for Liskeard (*Mr. Courtney*), and the hon. and learned Member for Kildare (*Mr. Meldon*), should remain part of the 15. He was bound to say that he had heard nothing of any kind from the hon. Member for the Tower Hamlets (*Mr. Ritchie*) with respect to the matter, and in the absence of any communication from him asking his views, he did not consider that he had any right to take notice of the agitation made both inside and outside of this House; indeed, to so great an extent had the agitation been carried,

that it was even threatened to send a deputation to Nottingham, and thus induce the working men there to unseat him. He was bound to say that he still objected to the number of the Committee being more than 15, and he thought that, in justice to himself and his case, the number should be reduced. He made those observations in order that hon. Members might know the reasons for his opposition, and in order that he might not be accused of obstruction. In the future, it was his intention during the rest of the Session to oppose the nomination of any Select Committee where the names exceeded 15 in number. He trusted that the explanation he had given would be satisfactory to the House. He might say that he should not oppose any further delay in the nomination of the Committee; but he hoped that the hon. Member for the Tower Hamlets would meet his objection by reducing the number to 15.

MR. RITCHIE said, he must place before the House his version of what had taken place, as it differed materially from that described by the hon. Member for Nottingham (Mr. Isaac). No doubt, the right hon. Gentleman the Member for Clackmannan (Mr. Adam) and his hon. Colleague (Sir William Hart Dyke) were very much obliged to the hon. Member for the interest he took in the nomination of Select Committees. He should not question the right of any hon. Member to oppose the names proposed to be nominated on a Committee. But the effect of the opposition of the hon. Gentleman had been to prevent this matter from coming on at all even for discussion. He ventured to think that opposition of that sort was unjustifiable, for the House, having resolved upon the Committee, there remained the further step to nominate the Members to serve on the Committee, and the effect of the opposition of the hon. Gentleman was to prevent the House from carrying out its own Resolution. The hon. Gentleman said that he had never asked him as to his views upon the matter, and that no Question on the subject had ever been put to him. The House would, no doubt recollect that when he asked a Question of his right hon. Friend the Chancellor of the Exchequer on the subject, the right hon. Gentleman expressed a hope that the hon. Member for Nottingham would withdraw his opposition

to the appointment of the Committee. He then immediately asked the hon. Member whether, after what had been said by the Chancellor of the Exchequer, he would consent to do so? The hon. Member did not pay him even the ordinary courtesy of replying to his Question, although in the House. After that, he did not feel justified in again mentioning the matter to him. The hon. Gentleman had stated that he had originally told him of his intention to object to the Committee, on the ground of the Standing Orders, unless he limited his Committee to 15; but after the Committee had been appointed, the hon. Gentleman stated to him that he had changed his mind and that unless he limited his Committee to 13, he should object to it. On further conversation with him, he (Mr. Ritchie) told the hon. Member that the Standing Orders permitted 15 Members to be nominated, and he (Mr. Ritchie) proceeded to obtain the names of hon. Members in the usual way. It was useless for the hon. Member to come forward now to say that he objected to 17 names; for what he really objected to at first was that 15 Members should be on the Committee, the other two were added after the hon. Member had put his Notice of objection on the Paper. In respect to the opposition of the hon. Member for Swansea (Mr. Dillwyn), it was based upon a sound and intelligible principle—namely, that the Committee ought to be strengthened by the addition of the hon. Member for Liskeard (Mr. Courtney). He quite agreed that the hon. Member for Liskeard ought to be on the Committee, and he was sure that that hon. Member would acknowledge that he was one of the first he had applied to, but he was then unwilling to serve. It was his great anxiety that the Committee should be a strong Committee, and when he complied with the request of the hon. Member for Swansea, his opposition was immediately withdrawn. He hoped that he had now satisfied the House that the course he had taken was a usual one; but he ventured to think that the course taken by the hon. Member for Nottingham had been altogether unusual and unprecedented upon a question of the nomination of a Select Committee. If the hon. Member had objected in the first instance to the Committee being com-

Mr. Isaac

posed of more than 15 Members, he should have paid every attention to his representations; but as he had now obtained the names of hon. Members and placed them on the Committee, he did not see how he could ask any hon. Gentleman to have his name taken off. He, therefore, hoped that the House would support him in nominating 17 Members to serve upon the Committee.

MR. DILLWYN observed, that he placed a Notice upon the Paper with reference to the number of this Committee, though he could not agree with the hon. Member for Nottingham (Mr. Isaac) that the Committee should be limited to 15. He was opposed to the Committee *in toto*—he did not like it, and did not think it would lead to good results; but when he saw the names of the hon. Members whom it was proposed to nominate to serve on the Committee, he considered that there was an undue preponderance of Gentlemen likely to be biased—not improperly—but still biased on the subject, and, therefore, he objected to the nomination of the Committee. His hon. Friend the Member for the Tower Hamlets (Mr. Ritchie) very frankly and fairly met his views, and named two other Members—the hon. Member for Liskeard (Mr. Courtney), and the hon. and learned Member for Kildare (Mr. Meldon). He did not altogether like the Committee being raised from 15 to 17; but still, as his hon. Friend had met his views so fairly, he did not think he could do otherwise than withdraw his opposition, and he, therefore, felt bound now to support the nomination of the Committee as he proposed it. He did not like the Committee at all; still, as his hon. Friend had done his best to meet his views, he should accept what he proposed.

Question put, and agreed to.

Select Committee to consist of Seventeen Members:—Mr. Bourke, Mr. Alexander Brown, Mr. Sampson Lloyd, Mr. Bell, Mr. Thornhill, Mr. Stewart, Mr. James Corry, Mr. Norwood, Mr. Balfour, Lord Frederick Cavendish, Sir James McGarel-Hogg, Mr. Collins, Mr. Orr Ewing, Mr. Morley, Mr. Onslow, Mr. Courtney, and Mr. Ritchie:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, 21st May, 1879.

MINUTES.]—PRIVATE BILL (by Order)—*Considered as amended*—Lansdowne Road, Rathmines, and Rathgar Tramway*. PUBLIC BILLS—Ordered—First Reading—Entail (Scotland)* [193]. Second Reading—University Education (Ireland) [183], debate adjourned. Committee—Report—Local Government (Ireland) Provisional Orders (Waterford, &c.)* [133]. Third Reading—Consolidated Fund (No. 3)*, and passed.

COMMITTEES.

Ordered, That Committees shall not sit Tomorrow, being Ascension Day, until Two of the clock, and have leave to sit until Six of the clock, notwithstanding the sitting of the House. —(Mr. Chancellor of the Exchequer.)

ORDER OF THE DAY.

UNIVERSITY EDUCATION (IRELAND) BILL.—[BILL 183.]

(The O'Connor Don, Mr. Kavanagh, Mr. Shaw, Mr. Mitchell Henry, Lord Charles Beresford, Mr. Parnell.)

SECOND READING.

Order for Second Reading read.

THE O'CONOR DON, in moving that the Bill be now read a second time, said: Sir, I do not intend to criticize the Amendments that have been put down by the hon. Gentleman the Member for Kirkcaldy (Sir George Campbell), the hon. Member for the City of Edinburgh (Mr. M'Laren), and the two other Amendments which amount to a direct negative of this Bill; but I would most earnestly appeal to the hon. Gentlemen who are about to take part in the discussion on this measure that they will confine themselves as much as possible to the real principle involved in the Bill which I now ask the House to read a second time. I make this appeal, especially because I am afraid that some of the Amendments are of a character that might lead us into discussions which I should regard as very wide of the real objects and intentions of the measure. The hon. Member for Kirkcaldy has given Notice of an Amendment which,

with all respect to him, I would venture to say is one that would be more appropriately made to a Vote in Committee of Supply on the question of primary education. Considering the nature of the Amendment, I have thought it desirable to make the appeal that, in discussing the second reading of the Bill, we should, as far as possible, confine ourselves to the real subject-matter of the measure. The real questions at issue are — Is there a want in Ireland of further facilities for higher education? If that question be answered in the affirmative — is the mode proposed by this Bill for meeting that want one that ought to commend itself to the approval of the House? If these two questions be answered in the affirmative, I do not think the House of Commons will be inclined to refuse the necessary amount of money for the carrying out of the objects of the Bill, and I may say at once that it is no essential part of our proposal that the money shall come from the fund mentioned in the Bill. We have selected that particular fund, because it was that which was selected by the Government in relation to the measure of last year; but if Parliament should think it advisable to have recourse to any other fund in order to meet the requirements of the measure, there is not the slightest objection to such a proposal being accepted, and the question whether primary education in Ireland is sufficiently met, and whether the money wanted for the purposes of this Bill should be provided out of the fund which is referred to in the measure, or in any other way, are issues entirely outside the present question, and ought not to be discussed on the second reading of this Bill. As to the second Amendment on the Paper, which is to be moved by my hon. Friend the Member for the City of Edinburgh, I would say a few words. The hon. Gentleman is much opposed to this Bill, and he says in his Amendment that the measure is opposed to the principle of civil and religious equality, by proposing to endow mainly the members of one Church and their Colleges with £1,500,000 of public money. Well, but I would ask the hon. Gentleman what is the present state of affairs in Scotland? Are there not in that country four Universities fairly endowed, and are they not far more denominational than the Univer-

sity we now propose to establish in Ireland? Are not the benefits conferred by those Universities far more for the members of one Church and profession, one particular creed, than will be the case if this Bill be passed into law? ["No, no!"] An hon. Gentleman behind me says "No, no." I would ask him, is there not a Chair of Theology in each of the Scotch Universities, are not the Governing Bodies of those Universities largely composed of Presbyterian clergymen, and are they not mainly attended by Presbyterian students? If my hon. Friend the Member for the City of Edinburgh, or any other Scotch Member, could point out a so-called non-sectarian University in Scotland, the chief Professors in which were Roman Catholic priests, in which University there was a school of Roman Catholic theology, and could show that such University was attended largely by Presbyterian and Protestant students, then he might come to this House, and say to the Irish Roman Catholics — "You have no right to complain, because you have a Protestant University in Dublin, in which there is a Chair of Protestant Theology, and a College in Belfast to which you can send Irish Roman Catholics." I deny that there is anything contrary to the principles of civil and religious liberty in what we are asking to-day, and assert that those who refuse to aid us are acting contrary to those principles which they so loudly profess on so many different occasions. I have only one word more to say, and that is on a topic which no doubt will be often raised, and that is the objection taken in some quarters that we are asking for the second reading of this Bill so soon after the introduction of the measure. This, no doubt, is thought unreasonable, and I have seen statements in the papers to the effect that we are desirous of rushing this Bill through the House. At the very outset, I wish most distinctly to disclaim any wish to take such a course. We have no desire whatever either to rush the Bill through the House, or in any way to shirk the discussion of its principles; and I would venture to add that, in proposing the second reading of the measure to-day, we are doing nothing that is at all unreasonable. I stated the other night, in introducing the Bill, that I did so in the sincere desire that it might

be passed into law this Session as a practical measure, and not one to be thrown down upon the Table of the House for the mere purpose of raising a discussion. If it is to be regarded as a practical measure, I ask the House what other course is open to us than proposing the second reading to-day? Hon. Gentlemen will remember that this is the 21st of May, and that in a few days we shall adjourn for a fortnight. This being so, hon. Members must be aware that, in the usual course of procedure, it would be impossible, if we were not able to take the second reading of the Bill to-day, to again submit it to the House for at least a month, or about the middle of June, and in that case I ask what chance should we private Members have of passing the Bill this year? Therefore, if there be anything unreasonable in our seeking to have the Bill read a second time to-day, it applies to our desire to have it passed at all. But even if we desired to rush the Bill through the House, it would be impossible to do so. We all know the many stages a Bill has to go through before it can become law; and even if the House were to-day to approve the second reading of the measure, and if it subsequently should turn out that its provisions are such as the majority of the House thought they ought not to approve, there are many other opportunities on which opposition could be raised. We appeal to hon. Members to allow us to have a decision taken on the second reading to-day; and if it should subsequently turn out to be desirable to raise any question as to the principle of the Bill on the next stage, we not only would not object—of course we could not prevent it—but we will undertake that the next stage shall not be taken until an ample opportunity has been given for considering every detail of the Bill, and obtaining opinions from all parts of the Kingdom on the measure. Under these circumstances, I venture to move the second reading of the Bill, and to hope that hon. Gentlemen will confine their remarks to the real merits of the measure, and not wander into discussions that will be wide of the main issue.

Motion made, and Question proposed,
 "That the Bill be now read a second time."—(*The O'Conor Don.*)

SIR GEORGE CAMPBELL, in rising to move the following Amendment:—

"That while this House recognizes that the funds set free by the disestablishment of the Irish Church should be devoted to the benefit of the people of Ireland, provided they are not again applied to the support of any sectarian religion, it is not desirable to devote additional public funds to the further promotion of higher education in Ireland till adequate provision is first made for elementary teaching in that Country, without aid from Imperial funds exceeding that given to other parts of the United Kingdom,"

said, he was not surprised that his hon. Friend the Member for Roscommon (the O'Conor Don) should be anxious to limit the scope of the discussion upon this Bill; he was ready to meet his hon. Friend in debating the positive merits of the Bill; but, before they passed it, its merits, not only positive, but comparative, should be shown to them. He was surprised when his hon. Friend said it was not essential to the passing of the Bill where the money should come from. But the providing of the money was the essence of the measure. If the hon. Member for Roscommon could find liberal Roman Catholics who would endow a University from their private funds, he had no objection in the least to their doing so. His objection to this Bill was that the hon. Member meant to dip very largely into public funds for the endowment of his University. He, therefore, altogether declined to exclude the question of money from the discussion of this Bill, and insisted rather on that question being put in the very forefront of the discussion. The hon. Member for Roscommon said the Scotch Universities were more denominational than anything that was proposed to be established by this Bill. He (Sir George Campbell) ventured to deny that; but his hon. Friend the Member for Edinburgh (Mr. M'Laren) would answer the hon. Member for Roscommon better on this point. All the education in these Scotch Universities, except some special theological classes, was now absolutely unsectarian. There was no objection whatever, either legal, social, or in any other way, to any student of any denomination pursuing his studies in all the classes of the Scotch Universities; and it was the case that many not only might, but actually did, so follow them. If the theological departments were to be deemed a fault in an otherwise excellent system, all he

could say was that two blacks did not make a white, and there was no reason why the fault should be re-introduced in Ireland also. It would, he admitted, be very desirable if the theological departments could be separated from these Universities; but there was no reason why their Irish Friends should copy what was bad and reject what was good in the Scotch system. He looked with very great suspicion upon the circumstances under which this Bill had been brought into being. It was a very suspicious fact that when they were suddenly told that the hon. Member for Roscommon wished to introduce a Bill on Irish University Education, Her Majesty's Government, in a singular and unexpected manner, immediately made way for it. Her Majesty's Government were not in the habit of giving such extreme facilities to private Members who had been disappointed in bringing on their Bills, and it seemed to him that the action of the Government had shown a singular benevolence towards, if not connivance with, the hon. Member for Roscommon with regard to the first stage of his Bill. He trusted that the support of the Government was not to be extended to the subsequent stages. Another singular fact was the way in which the other Bills down on the Order Book for second reading to-day had been cleared out of the way in an almost unprecedented manner in order to give the hon. Member for Roscommon the first place. Irish Members had singular good fortune in obtaining the first place for their Bills upon Wednesday, and the unanimity with which they had all given way on this occasion to the measure of the hon. Member for Roscommon was remarkable. Such action on their part seemed to indicate a unanimity of which he confessed he was a little suspicious. The House was not accustomed to see such perfect unanimity among them. There was usually a good deal of division amongst them, except on subjects that gave them a hope of touching public money. This Bill was one of those subjects. The Government having exhibited so much benevolence towards this Bill, in regard to which the Irish Members were so singularly unanimous, he could not help thinking that at best or at worst a General Election was not far off, and that there might be parties

in this House who would not be sorry—God forbid that he should say that they would bid for the support of the priests!—but who would not be sorry to have their support in the Irish elections. Putting this and that together, he was suspicious of this Bill. He suspected the presence of the cloven foot, which his hon. Friend the Member for Edinburgh saw more distinctly. Therefore, he said, let them not press this Bill forward with indecent haste, but discuss it thoroughly, so that they might know what were the bearings and intentions of the Bill, and what were the opinions of the public with regard to it. The more he looked at the Bill the less he liked it. Public attention was gradually being directed to the Bill, and the organs of public opinion were pointing out, he thought very justly, various points in which the Bill was open to the animadversions of the hon. Member for Edinburgh. He not only disliked what was in the Bill, but he also disliked a great deal that was not in the Bill. He disliked the reticence that was shown as to making its objects and intentions more clear and distinct; he disliked the proposal for leaving the rules and procedure for carrying out its provisions to a Senate which was to be so largely composed of elected members. He disliked also the exclusion from the University of the members of all Colleges otherwise provided for; and he could not help thinking that the new University was intended to be mainly a Catholic University, and that its graduates, who would exercise the voting power, would mainly be Catholic graduates. If that were so, whatever might be the intentions of the hon. Member for Roscommon, the end would be that the elected members of the Senate would be Catholic members, and the rules and procedure left to them would be rules and procedure drawn up, he would not say in the interests of Catholics, but, at least, in deference to the prejudices and honest opinions of these Catholic members. The Bill ought, therefore, to be very cautiously looked at before they proceeded too far. In reference to this subject, he had during the last two or three days looked at the communications and articles in the public Press, and he had been struck by one which appeared this morning in the shape of a letter in *The Times* from a Protestant Nobleman, Lord

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Portarlington, in support of the Bill. He did not know whether there were any Protestant Jesuits; but if there were any such persons, he was inclined very much to suppose that Lord Portarlington was one, and that, in professing to favour this Bill, the noble Lord had put forward the most favourable arguments that could be used against it, for his Lordship, noticing a previous letter against the Bill from Lord Longford, said—

“Will you allow another Irishman, likewise a Protestant, to express the great satisfaction with which he has learned the proposals of the O’Conor Don, as some return and compensation to our fellow-countrymen of the Roman Catholic faith in Ireland, for all those iniquitous years during which tithes were wrung from the people for the support of the clergy of a Church with which they had no concern.”

That was the statement of Lord Portarlington; and it was because he (Sir George Campbell) believed that that was the honest intention of those who promoted the Bill that he, for one, was opposed to it. He had said before that two blacks did not make one white; and it was no reason because we had done injustice to Ireland in the past that we should now do injustice to ourselves—returning injustice for injustice. Having got rid of the injustice which Lord Portarlington described, let them not introduce again injustice of the same kind by attempting, directly or indirectly, to endow Roman Catholics with public funds. It was on that ground that he sought for delay; and it was on that ground, as it seemed to him, that the opinion of the country was rising very rapidly against the Bill. He was very much inclined to look for guidance in regard to his conduct with respect to such a Bill to the opinion of the Roman Catholic hierarchy. If they approved of, or did not disapprove of it, he should say it would be a wise course for the House to disapprove of it. That hierarchy were wedded to unreasonable principles, especially on the subject of education, and anything on that subject that satisfied them must be unreasonable. On that ground, he had been somewhat exercised by observing what he could not help regarding as the suspicious silence of the Roman Catholic hierarchy on the Bill. He had seen a letter from a source not hostile to the Bill remarking upon that extraordinary silence—indeed, it seemed as though it had been thought better to induce the Roman Catholic

Bishops and the great power in Rome to hold their tongues and say nothing about the matter. He should think the approval of the Roman Catholic hierarchy a suspicious circumstance, which would tend to set him against such a Bill as this; but he drew a distinction between the Catholic hierarchy and the parish clergy. When he was in Ireland, some time ago, he went into this matter, and was struck by the fact that elementary education in Ireland was far more denominational than people in England and Scotland had the least idea of. It was, in fact, almost as much Roman Catholic in its character as the most ardent Catholic could desire. Under the character of managers and patrons of the elementary schools paid for by British money, the priests had set up a denominational system. But the priests were not under the Bishops in that matter; they were under the Board of Education. The priests were satisfied, but the Bishops were not; and he repeated, that anything that would satisfy a Roman Catholic Bishop must be so extreme that those who did not hold with those Bishops must be opposed to it. He wished it to be understood that he was not speaking under the influence of what might be supposed to be Scotch prejudice. Most of his life was spent out of Scotland; he had seen a good deal of the world; he had seen a good many phases of the Christian religion, and of other religions also, and his own opinions had been rather favourable than otherwise to the Catholic religion. He had found that on the field of battle, and in the midst of difficulties and dangers, the priests of the Church of Rome had done very good service; and notwithstanding much that was objectionable in it, he recognized the fact that there was a great deal of the true fire of Christianity in the character of the professors of that religion. But when they came to the political character of that religion, not only from what he had read and heard, but from what he had seen, especially in recent years, on the Continent of Europe, he was thoroughly convinced that, in regard to civil matters and administration, and especially in regard to education, the Roman Catholic hierarchy were irreconcilable. In every country in Europe in which the Governments had attempted the plan of levelling up, by gratuities from the

public funds, in the hope of coming to terms with the Catholic Bishops, those Governments had invariably come to grief. They had found that the cure they attempted was worse than the disease. That was the state of France and Germany, and it would be the state of Italy were it not for the fact that Italy had, to a great extent, broken herself loose from the priests. Taking a wide and an historical and philosophical view of the case, he was deliberately of opinion—and his opinion was not influenced by Scotch prejudice—that it was not desirable to attempt to come to terms with the Catholic hierarchy in this matter, or to pass this Bill in the hope of reconciling them. The House ought to treat them as irreconcilable, and exclude sectarian religion from the question of education in Ireland. He had no doubt that when the hon. Member for Edinburgh came to make his speech, he would give excellent reasons for the strong terms of the Amendment he had put on the Paper. He (Sir George Campbell) had thought it better to be content with the milder terms of which he had given Notice, and, as far as possible, avoid matter of a controversial character. He bore in mind the sublime poetry of his youth, which he might adapt thus—

“Let certain Members bark and bite,
For 'tis their nature to.”

And he would suggest to the hon. Member for Edinburgh—

“But, Scotchmen, you should never let
Your angry passions rise.”

Therefore it was that he had drawn his Amendment in a somewhat negative form, only hinting at that denominational question which the hon. Member for Edinburgh had tackled more boldly and decidedly. He did not think the hon. Member for Roscommon (the O'Connor Don) had made out a *prima facie* case for his Bill. As to the source from which it was proposed that the funds for carrying out the Bill should come, he reminded the House that they were in the position of a man who was contingent heir to an inheritance that was to come in some day hereafter. They were to deal with funds which had not come into their pockets yet; and though it might be possible to sell their contingent rights under an urgent and pressing necessity, he was totally unable to see that there was any good ground for reversing the

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decision already come to by Parliament as to the ultimate destination of those funds. Even supposing that the money was available, and that it should be devoted to purposes of education, then he would suggest that was a much more crying want than that which the present Bill was framed to supply—for hon. Members from Ireland were constantly pointing out, and the hon. Member for Roscommon himself had given Notice of a Motion on the subject—that additional grants were needed for elementary education in Ireland, and especially for the purpose of providing training schools for elementary school teachers. The argument in favour of devoting funds to elementary education rather than to University teaching in excess was not one which he had recently developed; it was a principle which he had long maintained, that elementary education should first be developed before too extensive provision was made for higher education. He knew that people newly entering on a path of progress were rather apt to fall into a blunder on this point. When a comparatively small section of the people of a particular country were rapidly becoming educated and progressive, they cried out for an excessive amount of State aid for higher education. He had lately visited one such country—modern Greece—where that had been found to be an evil; and in India he had found the same tendency, and had struggled there, and had struggled successfully, against devoting public funds too much to higher education where elementary education was neglected. Just as it was in Greece, just as the hon. Member for Roscommon would make it in Ireland, so it was in Bengal and in India generally. Public money was devoted to higher education, while lower education was neglected. He had thought that unjust, and had proposed a material alteration, so as to bring the education provided for within just and reasonable limits. It was upon that ground, which he had long thought out, that he submitted his Amendment in opposition to the Bill. No doubt, he would be told—“Your arguments are all very well, but the principle has been conceded by the Government when they passed the Intermediate Education Act of last year.” Again he said, two blacks did not make one white. He had considerable doubts about the Act

of last year, because it was to apply public funds to higher education before the lower had been properly attended to. Still, he did not take upon himself to actively oppose it, because the want it was meant to supply was a real one, and it was desirable, in the interests of both rich and poor, that a ladder should be provided by means of which clever boys of the poorer class should climb to the advantages of higher education. But the present proposal was an infinitely greater one, and was more objectionable in many respects than the Intermediate Education Bill, for it proposed not only to give grants to scholars who passed a successful examination, but it proposed to give great grants to particular schools and Colleges which were to be selected by this Catholic Senate, and also to pay their Professors and build their museums and schools. It was on that ground that he thought this Bill must be much more minutely criticized than was the Intermediate Education Bill of last year. The hon. Member for Roscommon had said that there was not sufficient provision for University Education in Ireland at present; but on that point he took issue with him. If the question of religion was put aside, the present provision for University Education in Ireland would be found amply sufficient. In Trinity College, Dublin, Ireland had a University which was one of the most noble and amply-endowed institutions in Europe; and then there were the Queen's Colleges, which were most amply endowed with funds. Therefore, he argued, there was not that want of University Education said to be prevalent in Ireland. But the difficulty in regard to Irish University Education was the religious question; and if the hon. Gentleman who moved the second reading of the Bill was not satisfied with the provision for University Education, he ought to tackle the religious question directly. He should have brought the other Irish Universities within the scope of his Bill. It was true that the hon. Gentleman stated in his speech that if the Bill had been a Government Bill it would have been right and proper that those Universities should be brought within its scope; but the Government had not thought fit to bring in a Bill of that kind, and hence he asserted that the hon. Gentleman should have treated the religious question directly and not

indirectly. Not only was it the case that, religion apart, there was sufficient provision for University Education in Ireland already, but, in spite of the religious difficulty, he was inclined to believe that our fellow-subjects in Ireland really had a very ample share of University Education. The proof of the pudding was in the eating; and it would be found that, instead of a small proportion of Irishmen competing for the prizes of the Indian Civil Service and other Departments of the State, a very large, and he might say an abnormal, proportion of Irishmen were to be found competing successfully. Then the Bill proposed to endow the new University to a much greater extent than the Scotch Universities, and to that he strongly objected. As to the comparison drawn between the numbers in Ireland and Scotland, the Scotch Colleges took students at a much earlier age, and were more like intermediate schools, the bulk of the students being nothing more than day scholars in the great towns. In reality, the necessity for this Bill was a political necessity, and it was put forward to conciliate that body—the Catholic hierarchy of Ireland—which had more influence than any other in the electoral affairs of Ireland. His Motion had reference to the question of Irish elementary education, and he thought that hon. Gentlemen from Ireland must well know that there was a great want in that direction. He did feel that the House should make an effort to extend elementary education for the benefit of the poorer classes of Ireland. Undoubtedly, it was the case that funds were devoted by this country for the purposes of elementary education in Ireland; but they were not sufficient, as the House had been informed over and over again. Even the hon. Gentleman who introduced the Bill now before the House had put a Motion on the Paper asking for additional funds to be expended in the cause of Irish elementary education. He justly asked for more money; and it would be seen that there was a great want of additional funds. In spite of all that had been done in the past, it was a fact that half of the people of Ireland could neither read nor write; and in the schools already established the teachers were very inadequately paid. He asserted that it was the duty of the House of Commons, before they pro-

vided for any further educational facilities for the upper classes in Ireland, to give more attention to elementary education. The House had recognized that want, and had tried to remedy it by passing a permissive Bill to enable the people of Ireland to rate themselves for the purpose; but that was a remedy of which the Irish people had been very slow to avail themselves, and it had proved a failure. In the few cases in which advantage was taken of the Act to impose rates to pay salaries to teachers, the ratepayers had receded from that system. Both upon positive and upon comparative grounds he submitted the Motion of which he had given Notice, the effect of which was to postpone the Bill, because he was inclined to think that it was a Bill not so innocent in its character as some hon. Gentlemen seemed to suppose. The Bill was not a good Bill, and before it was allowed to proceed further the country should thoroughly understand its character.

LORD EDMOND FITZMAURICE said, he rose to second the Amendment of his hon. Friend behind him (Sir George Campbell). Before he went any further, let him start by making this admission—that whatever advantages a Bill, in itself good or bad, could obtain from being introduced in a spirit of fairness, justice, and moderation, this Bill had obtained from the introductory statement made by his hon. Friend the Member for Roscommon. Beyond that degree of praise he could not go. He considered that the Bill was a bad one, and that it ought to be rejected. He also confessed to having been rather astonished at hearing that there was any necessity at all for a further extension of University Education in Ireland, because, not long ago, it was his fortune to receive an Irish newspaper with a report of a very eloquent speech made by a priest at a meeting in the South of that country, in the course of which he quoted a lengthy passage from Virgil. At this there was great cheering; and then he added—"I shall not translate to you, because every Irishman knows Latin and Greek from his cradle upwards." Upon that statement there followed loud and long-continued cheering. Well, it struck him (Lord Edmond Fitzmaurice) that a country in which every child was born with a knowledge

of Latin and Greek could not, after all, be in such very great want of University Education. On the contrary, he should imagine that any unfortunate Englishman who might be sufficiently rash to enter into competition would find himself at a considerable disadvantage. However, he should not press that argument, nor, speaking seriously, had he used it with the intention of denying that there was a certain Roman Catholic grievance in regard to higher education in Ireland. His object was rather to show that there was a certain grievance, to explain what it consisted in, to point out, if he could, what the proper remedy was, and also to convince the House, which he thought he should be able to do, that the Bill of his hon. Friend the Member for Roscommon provided a cure altogether beyond the evil which he sought to remedy. It would be his earnest endeavour to avoid saying anything which might wound the religious susceptibilities of the tenderest Roman Catholic conscience, because he knew only too well that this and kindred topics had only been already too much hindered in their settlement by theological rancour and sectarian bitterness; and he should be very sorry if any word escaped him which, either in the course of this debate, or upon any future occasion when the subject might be under discussion, was capable of being cast in his teeth as having contributed to fan into fresh life the sparks which still lingered among ashes, destined, he hoped, before long to grow cold. At the same time, he must observe that he did not intend to ask himself whether or not this Bill, or any proposals he might make himself, would satisfy the demands of the Roman Catholic hierarchy of Ireland. He did not believe that that was the proper way to approach the question, or to obtain a settlement of it. He recollected that in one of those memorable speeches in which, early in this century, Mr. Canning urged the removal of Roman Catholic disabilities, he said, in reply to the taunts of those who told him that, even if they were removed, Roman Catholic feeling would not be satisfied, that he did not trouble himself whether it would be satisfied or not, and that he was ready to run the risk of offending the Episcopalian hierarchy on the one side, and the Roman Catholic hierarchy on the other,

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so long as he felt sure that justice would be done. He recollected, also, that when that very University question was under discussion in the year 1872, his hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt), in the speech which he made upon that occasion, adopted an exactly similar line of three arguments, and the remarks which he then made were still so apposite and germane to the subject that he made no apology for quoting them. His hon. and learned Friend said—

“If they were to govern Ireland according to Irish ideas, he feared they would find themselves reduced to the consequence of not governing Ireland at all. They were left, then, a deplorable option between anarchy, ascendancy, and priestcraft. He was not willing to adopt any one of these three courses. For himself, not being a ‘Home Ruler,’ he had never adopted the idea of governing Ireland according to Irish ideas. The House of Commons had not to consider whether a measure squared with Irish ideas or satisfied the demands of any section of the Irish people, but whether it was consistent with equal justice.”—[3 *Hansard*, ccxiv. 1618-9.]

That language struck him as just and statesmanlike, and although he could not equal the ability and eloquence of his hon. and learned Friend, he should try to imitate the spirit in which he spoke upon that occasion. Now, in order to realize the true circumstances of the University question in Ireland, it was necessary to state accurately, and realize fully, certain facts. The House would recollect that after the rejection of the Bill of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), a Bill was passed at the instance of his hon. Friend the Member then for Brighton, but now for Hackney (Mr. Fawcett), by which every religious test and disability was removed from all endowments in the University of Dublin and Trinity College; but, at the same time, the religious services of the Church of England were allowed to be kept up in the College chapel, and Parliament rejected the Amendment of his hon. Friend the Member for Tynemouth (Mr. T. E. Smith), which would have compelled the Governing Body of Trinity College to make attendance at the service a matter of option to the students. At the same time, the School of Divinity within the College was allowed to subsist unaltered, and that school, he need hardly add, was a school of Anglican theology. Therefore, in regard to the University of Dub-

lin and Trinity College, they had this condition of things—a secularized University, and a College secularized as regarded its endowments, but not secularized as regarded its discipline and internal arrangements, and further allowed to keep up within its walls a school of Anglican theology. There was also in Ireland the Queen’s University, and the Queen’s Colleges connected with it. That University and those Colleges were purely secular. And here let him observe that he thought, if he might be allowed to say so to his Irish Friends, that they had had their case enormously injured for them by the constant denunciations of that University and those Colleges by the Roman Catholic hierarchy as being Protestant institutions. They were not Protestant, and never were. They were set up by Sir Robert Peel, not for the benefit of the Protestants in Ireland, who were perfectly satisfied with the University of Dublin and Trinity College, but for the benefit mainly of the Catholics; and it was only because the Catholics, acting under the orders of their Bishops, who themselves received their orders from Rome, were compelled to refuse to send their children to them, that the Queen’s University and Colleges were chiefly frequented by Protestants of different denominations. It would, at the same time, be a mistake to suppose that there were no Roman Catholics in those institutions. The Reports, on the contrary, of those institutions, showed that their number was increasing, though slowly. At Cork, the Roman Catholics were 50 per cent of the whole number of students. At Galway there was, it was true, a slight falling off last year in the number; but that was owing to an epidemic which, incredible though it might sound, attacked all the students without distinction of creed, affording thereby a great argument in favour of mixed education. He might add that the President of Galway College, in his last Report, stated that since the foundation of Galway College religious differences had never once been the cause of any trouble amongst the pupils. It must also be recollected that by the appointment of Deans of Residence belonging to the different denominations, facilities were given at the Queen’s Colleges for maintaining a religious tone amongst the students; but he believed he was right in stating that the

Roman Catholic hierarchy had never allowed the appointment of a Roman Catholic Dean of Residence. Such, then, was the condition of University Education in Ireland. They had two secular Universities, and in one of them they had a College, the discipline and atmosphere of which were Anglican and Episcopalian. Let him now turn to the state of things existing in the English Universities; and it was necessary to do so, because it was frequently stated that there was not only in Ireland a grievance as between the Roman Catholics and the Protestants, but also that that inequality was made doubly conspicuous by reference to the state of things which they had allowed to grow up in English Universities. By the Act passed in 1871 by the Government of the right hon. Gentleman the Member for Greenwich, all religious tests and disabilities were removed from the endowments of the Universities of Oxford, Cambridge, and Durham; but the services in the College chapels were still allowed to remain part of the discipline of the place, and in most of the Colleges lectures on theology—Anglican theology—were still given. He said nothing here about the University teaching of theology and the University Professors in that school, because, no doubt, if the Church of England were disestablished, the University Schools of Theology would be disestablished too, or would be deprived of their exclusive character. They could not compare the condition of things in Ireland, where the Church was disestablished, with the condition of things in England, where the Church was not disestablished. Therefore, he put aside at present the University Schools of Theology in England as being outside the question, and having made that exception, he thought he should not be misdescribing the condition of things introduced by the Tests Act of 1871 as being closely akin to that existing in the University of Dublin—that was, that while they had secularized the endowments of the Universities and the Colleges within them, they had not secularized the discipline and what he might call the atmosphere of the place, which still remained Anglican and Episcopalian. Some flowers from the unsectarian Eden were scattered among them, but “the trail of the serpent was over them all.” But that was not all. The Tests Act of 1871 did not forbid the es-

tablishment of new sectarian Colleges within the Universities. It was true that an Amendment was moved by his hon. and learned Friend the Member for the City of Oxford with that object; but the House refused to entertain the question, and the result was Keble College was established—a College more sectarian than the sectarians, and more Episcopal than the Bench of Bishops. That College, he was informed, was now crowded from roof to basement, while Hertford College, founded originally by the amalgamation of two old endowments which came within the Act of 1871, had received a practically sectarian character by accepting a large private endowment with sectarian conditions attached. He was also informed that a College similar to Keble, called Selwyn College, was shortly going to be established at Cambridge, and was likely to be as much sought after as Keble. Such, then, was the condition of things at the English Universities in regard to foundations made subsequently to the Act of 1871. Every facility was given for the incorporation within the Universities, by charter, of sectarian Colleges. There was only one check, that the charter for 40 days must remain on the Table of that House. Now, he thought the House would at once see that what the Episcopalians of Ireland and of England did possess, and what the Roman Catholics of Ireland did not possess, was the right of having a College or Colleges of their own in which the discipline and atmosphere of the place should be that of their own religion, and in which the teaching of theology of their own school of thought should be taught by lecturers enjoying the confidence of their own communion. Here he might mention that he was fully aware that he might be told that the School of Theology at Dublin was a University school and not a College school. Now, that simply arose from the great difficulty of distinguishing between the University of Dublin and Trinity College. Personally, he believed that the School of Theology at Dublin was quite as much, if not more, a Collegiate than a University school; but, be that as it might, his argument was not affected thereby, because he approved that portion of the abortive Bill of 1872 which clearly separated in law the University from the College, and he thought it would be desirable

that in any legislation upon the question the School of Theology should be clearly separated from the University and attached to the College, and to the College only. He recurred, then, to his original proposition, that there was equality as regarded University Education between Protestant and Catholic, but not as regarded Collegiate education. Now, perhaps he should be told that there was an easy and simple way of settling all these difficulties by prohibiting the religious services, and putting an abrupt end to the religious lectures and teaching which he had mentioned. His reply to any such proposition was that it was impossible. As an old member of the Birmingham League, he was in no manner ashamed of saying that nobody in that House had contended more firmly than he had for the absolute separation of secular and religious teaching; but there was a time and a place for everything, and, as a practical man, he knew that these questions were fought, and settled for a considerable period, between 1870 and 1873, although, no doubt, some day they would be re-opened, there being no such thing as finality. But, because at some future time, and at some remote date, they hoped to push their own principles further, were they in the interval to inflict a grave injustice and inequality on the Roman Catholics of Ireland? He thought not. That being so, there was only one other alternative, which was to give to the Roman Catholics of Ireland the same Collegiate privileges which they had given to the English and Irish Episcopalians. He might be told that he was advocating the scheme of the late Mr. Butt. He acknowledged it; but there was this difference between his view and Mr. Butt's—that he proposed that there should be a State endowment given to the Catholic College, whereas he (Lord Edmond Fitzmaurice) did not; and Mr. Butt further proposed that that endowment should be got by appropriating a considerable portion of the revenues of Trinity College. Now, he protested against the disendowment of any corporation, unless they could prove abuse and misapplication of funds; and nobody, English or Irish, Catholic or Protestant, had ever suggested such a thing in regard to Trinity College, Dublin; on the contrary, that institution was one which was always spoken of with respect and admiration by persons of every shade

of opinion, whether religious or political. He was aware that some wits connected with the College at Cambridge which bore the same name thought fit in times past to sneer at their "silent sister;" but he believed that wit was never more misapplied, as that so-called "silent sister," in every department of science, art, and literature, had ever held, and still held, a proud and conspicuous position. What, then, he proposed was that one or more of the existing Roman Catholic Colleges in Ireland should be incorporated either in the University of Dublin or in the Queen's University. The latter course would, he thought, raise fewer difficulties. As to what College should be selected, the old charter of the University of London, with its list of affiliated Colleges, would afford a guide. He believed it would be found upon inquiry that Carlow College would be able to prove a better claim than any of its possible competitors. Its head, Dr. Kavanagh, was a man of undoubted ability and learning, and he believed that former Examiners of the London University would be found ready to state that students from that College had always come up well and carefully prepared. Then there was the College of St. Patrick on Stephen's Green, an institution endeared to Catholics by its association with the struggles connected with that question. He confessed to having never himself heard very favourable accounts of the teaching in that College; but he was willing to bow to the high authority of his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair), who, he knew, had expressed a strong opinion in the contrary direction. Therefore, he proposed that Carlow College and St. Patrick's should be incorporated within the Queen's University. But he might be told that this was not enough, and that those two Colleges would not be able to hold the youth of Ireland, who would flock in to obtain a Collegiate education. Well, his mind was quite open on the question, because he shared the opinions, based on Scotch experience, of his right hon. Friend, that University Education was not merely a luxury of the upper classes; but he believed in any case, at starting, the incorporation of two Colleges would be enough. But that was not all. He would propose that a general examining

power should be conferred upon the Queen's University, similar to that possessed by the London University in its supplemental charter. He had always considered that the loss of that privilege, through the discovery of a technical error in the supplemental charter actually granted in 1866, was an immense misfortune. He wanted to say a word about that supplemental charter. It had been constantly and falsely represented that the object of those who advised Her Majesty to grant the supplemental charter was surreptitiously, and by a side wind, to introduce the Catholic College into the Queen's University; and he confessed to having believed that himself at one time. But it was an utter mistake, as was pointed out by Sir Dominic Corrigan in 1872, who spoke with much authority on the question, being Vice Chancellor of the University. He said the supplemental charter was not passed to admit the students of the Roman Catholic University, but was passed to admit, on the same system as the London University, all candidates on undergoing certain examinations; but the Rolls' Court, in deciding against the supplemental charter, merely decided on a legal point—that was, “that the Senate of the University should not accept the charter without the joint assent of Convocation.” That was a very important point. What were the words of the abortive Charter? They were these—

“We do will, ordain, constitute, and declare that the said University, created by our said Charter, shall have power to grant to any person who may have matriculated in the said University, and who may be deemed qualified by the Senate of the said Queen's University in Ireland, to obtain the same, all such or any of the degrees or distinctions which by our said Charter the said Queen's University in Ireland is empowered to grant, notwithstanding that such persons may not have matriculated in any of the said Colleges, or pursued any of their studies therein.”

Then followed a similar clause, enabling any person to matriculate, although not educated in any of the Queen's Colleges. Now, the reason why the decision of the Rolls' Court was so disastrous was that if the University had been thrown open it would have been possible to endow the University with a variety of prizes and emoluments which could have been competed for upon equal terms by the whole youth of Ireland, whether educated in the Queen's Colleges or not. These, then, were his recommendations

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to meet the Roman Catholic grievance in Ireland—namely, one or more Catholic Colleges in the Queen's University, and an amendment of the Charter of the University in the direction which he had indicated. And now let him turn to the Bill. Did it do any of these things? Not one. What was the first thing he found in the present Bill? Why, it proposed to establish a new University; and he absolutely denied there was the least necessity for that. It was to be a new secular University apparently, established in a country where there were already two existing secular Universities. Let him ask why this new University was to be established? It appeared it was to be a kind of conduit-pipe or filter through which the interest of £1,500,000 of public money was to be distributed amongst a large number of sectarian tea-cups. Great political pressure and chicanery would be brought to bear upon the Senate, and there would be a scramble for the money. If this matter was to be dealt with on the basis of endowments, and of setting up a purely Roman Catholic University, let them discuss the question on its merits. Do not let them have an ingenious scheme to filter away a large sum of money into denominational cups and saucers. It was a great mistake to introduce a Bill of this kind, because, if it did please the Roman Catholic hierarchy, it would only be because they thought that before many years were gone by they would be able to do with the Bill what they liked. The Senate of this University was to have a practically unlimited power of affiliating Colleges. Now, there was no part of the Bill of 1872 which was more attacked than the proposal of affiliating Colleges. It was attacked by nobody more vehemently than by his hon. and learned Friend the Member for the City of Oxford. In his speech he proposed a plan by which that part of the Bill could be got rid of in Committee. After describing it, he said—

“In this way, they would get rid of the whole vexed question of affiliated Colleges, and of the denominational and undenominational prejudices against the Bill.”—[3 *Hansard*, ccxiv. 1630.]

Sir Dominic Corrigan gave the experience both of the London University and of the Queen's University against the plan. What he (Lord Edmond Fitzmaurice) insisted upon was that whatever was done

Parliament should know clearly and distinctly what the Colleges were which it was proposed to benefit. He objected altogether that £1,500,000 of public money should be scrambled for by unknown recipients. He did not wish to dwell too much upon details at that stage; but the House ought to observe that the clauses of this Bill were so drawn that such enormous benefits were proposed to be conferred upon these Colleges that no student would think of entering the University except through their doors; while a direct pecuniary bribe was offered to the youth of Ireland to abandon the old Universities and enter the new. Then he objected to the constitution of the Senate, which was mainly a nominated body, and would, he believed, become the creature of political intrigue and chicanery. That was another bad feature borrowed from the Bill of 1872. Now, as regarded endowment, he wanted to know what claim the Roman Catholic Colleges had to an endowment? Keble, and Hertford, and Selwyn, had not asked for a State endowment. Why did they not? Speaking of the question of endowments reminded him of what was proposed to be done by Her Majesty in Council with respect to a Northern University. They all knew that a few days ago a very large and influential deputation was received by the noble Duke the President of the Council (the Duke of Richmond and Gordon), and the noble Marquess the Secretary for Foreign Affairs (the Marquess of Salisbury), who was also Chancellor of the University of Oxford, and it was urged upon the noble Duke and the noble Marquess that it was necessary to establish in the North of England a new University. Had he had the honour of belonging to the North of England he would have been exceedingly proud to have joined that deputation. The object in view was a most excellent and admirable object, and he desired to call the attention of hon. Gentlemen below the Gangway to the proposal in regard to the Colleges which was made by that influential deputation. Did that deputation propose that a sum of money should be given to Queen's College, which was the one College to be mentioned in the proposed charter? The gentlemen who composed that deputation did not propose that Queen's College, or any other College which might

come within the University as an affiliated body, should receive a handful of money out of the public funds; but they stated that they were prepared to endow the institution themselves. The gentlemen who composed the deputation of the other day did not ask for £1,500,000 of public money—all they asked for were for certain University and College privileges. Turn to a similar scene—turn to his own University. The University of Cambridge had gained of late honourable distinctions by attempting to extend the benefits of University Education outside its own limits by conducting examinations, and now by affiliating Colleges, and he had heard that a scheme for that purpose had been drawn up by the Syndicate, with the sanction of the greatest names of the University, which passed the Senate last week, and which was as certain to be acted upon as was any measure which might receive the sanction of the House in the course of the present Session. Was it proposed to give a sum of money out of the University funds to affiliated Colleges? All that was proposed was to confer upon any College or institution in the United Kingdom which chose to place itself in connection with the University of Cambridge certain facilities in regard to degrees, and a diminution in the number of terms of residence. From first to last in the case to which he was alluding there was not one single word about getting hold of University funds, still less of getting a pull at funds which were under the control of the State, or which were raised from the taxation of the country. They might plead their poverty; but Roman Catholicism was not a local or national religion peculiar to Ireland. Were they not constantly being told in home and foreign newspapers of the numerous and wealthy converts who were flocking over to the Church of Rome? Why, there were half-a-dozen Roman Catholic noblemen who, if they would meet together to-morrow, would find it just as easy to endow a Roman Catholic College as the merchant princes of the North to endow the great institutions which were rising under their patronage. They might invite that generous Protestant Peer, Lord Portarlington, to join them. Such a course, every one was better and wiser than sending to Parliament, in formal pauperism, for £1,500,000 of public money only to be taken from various departments

tion. He recollected, during the debates of 1873, that his noble Friend the Leader of the Opposition, who, being at that time Chief Secretary for Ireland, had a responsibility in this matter second only to that of the Prime Minister, speaking on this part of the question, said—

"The Protestants of Ireland used the mixed Colleges, but the Roman Catholics, for whom they were designed, had seen fit to disapprove them; that, however, was no reason why they should not do what all others were free to do—establish their own Colleges and voluntarily endow them. . . . Would anyone get up and say that the Roman Catholics of Ireland were not prepared, or were not able, to endow Colleges for themselves? He believed they were fully able, and that if once they could remove from their minds that fatal delusion which appeared to have taken possession of them, that sooner or later they would obtain a Parliamentary endowment, they would endow a Roman Catholic College for themselves."—[3 *Hansard*, ccxiv. 1266-8.]

He (Lord Edmond Fitzmaurice) believed that those words of the noble Marquess expressed the sound common sense of this question—that, in regard to matters of discipline, they should allow the Roman Catholics every single privilege which had been given to Protestant Episcopalianism, whether in England or in Ireland; but that, as regarded endowments, they should stand firmly upon those lines which had been adopted by the House of Commons—namely, that there should be no new endowments of any sectarian institution. They were told the other day by the noble Lord the Member for Waterford County (Lord Charles Beresford) that he was in favour of the endowment of a Roman Catholic University. He hoped that the noble Lord would be consistent, and that when the Navy Estimates were under consideration he would explain the lines upon which Roman Catholic iron-clads and Protestant turret-ships should be built. He (Lord Edmond Fitzmaurice) believed that the one would not be more ridiculous or baneful than the other, so far as State endowment was concerned. This was a question in which he had taken a great interest. He had been always anxious to meet the just demands of the Irish Roman Catholics. There was one member of his family, of whom he preserved a recollection from his childhood, who had passed the best years of his life out of office because those who occupied the Throne in his country would not admit

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to their Councils any person who was in favour of the removal of the tests under which Roman Catholics suffered. He had been brought up to venerate his name; but he had not been brought up to wish to substitute one religious equality for another. He desired to do that which was just and right to the Catholics of Ireland, without doing that which would be unjust to the Protestants of the United Kingdom. He believed that to pass this Bill would be to do that which would prove injurious to those higher interests of education which rose above every sectarian difference, and which, he believed, would be absolutely ruined by any looking back upon the evil past, and by any renewal of that principle of religious endowment, whether concurrent or not, which would prove hurtful, not only to the State which gave it, but even to the religious denomination which it was intended to benefit.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "while this House recognises that the funds set free by the disestablishment of the Irish Church should be devoted to the benefit of the people of Ireland, provided they are not again applied to the support of any sectarian religion, it is not desirable to devote additional public funds to the further promotion of higher education in Ireland till adequate provision is first made for elementary teaching in that Country without aid from Imperial funds exceeding that given to other parts of the United Kingdom,"—(*Sir George Campbell*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KAVANAGH: Sir, I shall begin the few remarks I intend to make on the subject by congratulating the House, and thanking the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) on the good humour which characterized the remarks he made. I look upon it as an auspicious omen, and hope it will continue. I am sorry I am quite unable to follow the noble Lord in the very exhaustive and able speech which he made; but, perhaps, it is fortunate for the fate of the Bill that I do not know as much about the subject as the noble Lord, because another speech of the length would, perhaps, endanger the ultimate result on a Wednesday. To me the question is a very serious one—

a serious one for the whole country. The position I occupy is, perhaps, rather a delicate one, and I think it is only right to myself and to my constituents that I should say a few words as to my reason for occupying it. I do not think we owe the House any apology for bringing the measure on, because we all know that during the last 20 years every Government in Office, if it has not itself undertaken to deal with the question, has, at least, admitted the necessity that something should be done. With regard to the reason which has influenced us in adopting the course we have, of suggesting a third University instead of keeping to the two already in existence, that has already been fully explained by my hon. Friend the Member for Roscommon in his introductory speech; and I should not have thought it necessary to touch upon it, were it not for the fact that both the noble Lord the Member for Calne, and the hon. Baronet the Member for Kirkcaldy (Sir George Campbell), in their remarks raised the question. Now, Sir, it appears to me, not knowing very much about University Education, that to deal with the question as in connection with the two existing institutions, we should have to go into an immense deal of matter of most invidious difficulty. Those who have tried to draw the line in educational subjects between science, history, and religion, to define where the one should stop and the other begin, to sketch a history of nations uncoloured by religion, or to devise a system for teaching the physical and higher branches of science, robbed of the supernatural, and dragged down to the level of the rationalist, will appreciate the difficulties to which I have referred. Those pitfalls and dangers have been avoided by the lines on which the present Bill is laid. Anybody who listened to the debate which took place on the introduction of the University Bill of 1873, and, I may say, to all the debates on the English Education Question, will agree with me that, if it was possible, we were right in endeavouring to avoid those dangers and those quicksands. But, although by the lines on which this Bill was brought we have succeeded in avoiding that, we have at least other difficulties to meet, and the difficulties are not only from objections raised by those upon principle opposed to a settle-

ment altogether, but, I may say, they have been more raised by those who are, most of them, interested in the settlement of it, and who must largely benefit if this scheme which we propose were adopted. It is always perfectly clear that unless each party is prepared to approach the subject in a spirit of compromise, a settlement is utterly hopeless. I shall endeavour to deal with the objections to which I have referred, and I will take first those I have referred to last. To my mind, the main difficulty of dealing with this question has been created by the policy of disendowment which this House endorsed by a large majority in 1869, and which hon. Gentlemen will remember was warmly supported and advocated by the Roman Catholic clergy, and by members of that persuasion in Ireland. Now, Sir, that policy I disapproved of and resisted to the best of my power; but I do not attempt or wish for one moment to subvert what can be done, and, consequently, this difficulty is placed in my own, and in the way of others who wish to deal with this question. I can see no other course open. We are driven to adopt the lines of the Intermediate Education Bill. I am happy to say, from the immense success which it has met with since, I was in hopes that a Bill honestly framed on those lines, so far as they could be adopted, would be generally accepted as a compromise by the Roman Catholic clergy of Ireland. I was given directly to understand that that would be so, and looked upon the fact that the hon. Member for Roscommon (the O'Connor Don) had taken up the question and brought in a Bill on those lines as a proof that it had been approved of by hierarchy of the Irish Roman Catholic Church, and would be accepted by them as a settlement of the question. I hope I am still correct in that assumption. But, whether I am or not, I think it is very unfortunate that rumours have got abroad—and I am not accountable for that—to the effect that if the Bill is accepted by the Roman Catholic clergy it is only as an instalment, and an instalment to be followed by a fresh appeal. If that is so, our position is a very difficult one; and I must say that our chances of success, based upon that, would be very slight, and I think that the hon. Members opposite, and the clergy of the Catholic Church should remember that

the main difficulty, as I said before, is one of their own creation. If the way to deal with this question is the adoption of a spirit of compromise, I hope, before the debate on the second reading closes, that we shall have some authoritative announcement on the subject, which will remove this difficulty, and assure the House that if this Bill pass it will be accepted in the same spirit in which it is offered. The Bill, as we see by Amendments on the Paper, is already attacked by many, as being equivalent to a direct endowment of a Roman Catholic University. That I distinctly deny. I say that it has in its clauses, Preamble, and Schedules, not one single word which I can see gives to the Bill a sectarian hue. Throughout the entire Bill there is no mention made of any one religious denomination, so far as I can see; but while I say this, I do not deny for one moment that there are circumstances existing in Ireland in regard to University Education which give this Bill a significance in that direction, and that it has for its object the establishment of a Roman Catholic University. I do not deny that for one moment, and the circumstances are these. If I understand it aright, every denomination in Ireland has facilities and opportunities of availing itself of the advantages of University Education without a sacrifice of any scruples except the Roman Catholics; and I think it is only natural to expect that if you pass a measure for the advantages of a University system which will do equality to all—which I believe this does—and if you have the existing institutions, it is, I say, only natural to expect that the Catholics who are shut out from those advantages will largely avail themselves of them. But it is only in that sense that it can be regarded as a Roman Catholic University; and I have no hesitation in declaring openly and frankly at once that my object and intentions in joining in this undertaking is to afford to my Roman Catholic fellow-countrymen those advantages which they desire, and which I do not think they now possess. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice) might call me a Protestant Jesuit for this I know very well; and I daresay I shall be told that my premisses are false and wrong, and that the Dublin University, as it has been extended by the Bill of the hon. Member

for Hackney (Mr. Fawcett), and the Queen's University, regulated as it is, give ample facilities to all denominations to avail themselves of University Education without any necessary sacrifice of religious principles—and I am sure that those who say so believe it. But I am not going to enter into the theological disquisition which such a point would raise. I take my stand upon what appears to me to be a plain and undeniable fact, that at present the Roman Catholics avail themselves of neither the University nor the Colleges, and that if they are, practically, to remain excluded from the advantages of the University system, we must devise some plan to include them. And it is not that I cannot see a better plan, but it is that I cannot see any other plan, that leads me to endorse and support this Bill. I deny emphatically, as I have already said, that the Bill is literally an endowment of a Roman Catholic University, and, in support of my denial, I may say that since its introduction I was told by a clergyman of high standing in my own Church that its effects would be detrimental to the interests of the University of Dublin, by withdrawing from it Methodist and Presbyterian students who now avail themselves of its advantages. Now, I should be sorry to do anything detrimental to the Dublin University; but I may say that you cannot condemn the Bill upon two actual diverse issues at the same time. If it is, as it is objected, a Roman Catholic University Bill, then I do not see how its effect will be to withdraw Methodists and Presbyterians from the Dublin University. I may, therefore, I think, leave those objections to answer each other; and I can only repeat again, that while the provisions of the Bill are equally open to all who may require them, it is only natural to expect that Catholics will most largely avail themselves of its benefits, just because they are the class who want it most. Of course, I cannot for one moment hope that this—or, indeed, any Bill that could be introduced—would meet the approval of what I may call the extreme section of what, I think, the hon. Member for Kircaldy (Sir George Campbell) called Scotch prejudices, represented by some hon. Members opposite; but I cannot for myself admit that there is a single principle or word in the Bill to warrant the

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Motion of which the hon. Member for Edinburgh (Mr. M'Laren) has given Notice. I think that, far from his Amendment applying with any justice to this case, it rather seems to indicate on the part of those who hold such opinions, or give support to such an Amendment, that they have not the capacity for truly appreciating what true civil and religious equality means. I do not wish to follow that subject further. It is sufficiently clear, and requires little advocacy on my part to make it plain. I will come to another objection expressed in the second part of the Amendment of the hon. Member for Edinburgh. He objects to the application of part of the surplus funds of the Disestablished Church, as being contrary to the principle of the Irish Church Disestablishment Act of 1869. But I think the hon. Member, when he put his Notice on the Paper, must have forgotten that last Session this House, by passing the Intermediate Education Act, practically broke through the principle which was created in the Preamble of the Act of 1869, and sanctioned and approved the application of these funds to purposes of education. Therefore, I hardly think it is quite possible for him to rely much on this part of his objection. Another ground of opposition has been raised by a class who never succeed in making themselves much heard, and that is, that it is wrong to take these surplus funds while there are vested interests now neglected, but having claims upon these funds. I am fully prepared to admit the justice of this; but I can by no means regard it as an insuperable or great difficulty in the way, or anything that could not be very easily dealt with. I believe it is true—the House will excuse me for alluding briefly to these claims—I believe it is perfectly true that there is now in the hands of the Church Temporalities Commissioners an amount of £400,000 not properly belonging to the Irish Church, but which was raised by the taxation of the clergy in past years. If I am rightly informed, this sum does not belong to the Church of Ireland, but to a limited number of minor incumbents and curates, whose just claims can be clearly established. I have no wish or intention now to enter into the merits of that question. But, allowing it, these and any other claims can be dealt with by Parliament. Each

claim, according to its merits, can be dismissed if not recognized, and attended to if well founded. But, after allowing these claims to be disposed of, I cannot see a more beneficial object for part of the surplus to be devoted to than the furtherance of the three classes of education—elementary, intermediate, and University. We had a beginning last Session. Government began in the right direction, though rather oddly, taking up the middle first; and in our Bill we propose a plan for dealing with the higher end; and I do not see any reason why, if it succeeds, the lower end, or the primary education branch, should not then be settled on similar lines, adapted as far as possible to the requirements of the case; and that might perhaps dispose of the objection of the hon. Baronet the Member for Kirkcaldy (Sir George Campbell). There is another objection raised, to which I am bound to refer, though there are but few who held it lately, for, I suppose, I must be looked upon as a black sheep. I have been blessed by receiving anonymous letters, the writers of which bring arguments against our present actions such as these—It is wrong to afford the means of disseminating error. Now, that is a very high ground to take, indeed, and a ground the abstract truth and justice of which very few will be prepared to assail. I will not take time to controvert it, or, condemning the tenets of one Church, defend the tenets of another. So far as that is involved in the question now before us, I will take the broad and indisputable ground that we are all Christians. Assuming that, then, I would ask who amongst us is qualified to pronounce his brother in error? We are told, "Judge not, that ye be not judged," and I cannot read this as in any way binding us to force down the throats of others our conceptions of what is right. If I may carry that argument further, we may be wrong to refuse to those with whom we disagree the advantages of higher education. Of course, the letters I received were all bent on this point. I think the policy of proselytizing is too monstrous to be thought of. Throughout all history it has proved so disastrous that it is no use occupying the time of the House in dwelling on it. I respect the man who, conscientiously and fearlessly holding his belief, adheres to it; but I have no

sympathy with a narrow-minded bigotry that would force that belief on others. These are the reasons that have influenced me in taking the course I have done; and I must say I am most anxious to have the question settled, while I think the present Bill is the most reasonable way a settlement can be arrived at. I therefore hope it will be passed, and be accepted by my fellow-countrymen in Ireland in the same spirit as it is offered to them. The hon. Member for Edinburgh, in another part of his Amendment, blames us for endeavouring to hurry on the measure with indecent haste, or he implies as much. As to this, the hon. Member must know, with his long experience, what every hon. Member must know, that days and opportunities are not within the choice of private Members. They must take what they can get, or go with nothing. For myself, I have not the slightest wish to rush the Bill through the House like a dark horse. I am not ashamed of it. I do not fear, and have no wish to avoid, danger from the most ample discussion. I shall only be too glad if the Bill meets with the patient consideration its importance requires; and if it does, I am sure it will, at the hands of the House, receive the fate it deserves. I need not say what I hope that may be. In asking the House to read this Bill a second time, we ask it to affirm the principle—which is, I believe, the true principle—of religious equality; and if the Bill goes further than that, or fails to carry that out, amend it. But I do hope the House will not refuse a principle which, I believe, is founded on justice and fair play.

MR. M'LAREN, who had the following Amendment upon the Paper:—

"That the leading provisions of the Bill are unjust and impolitic, being opposed to the principles of civil and religious equality by proposing to endow mainly the members of one Church and their Colleges, with a million and a-half of public money, which has already been appropriated by the Irish Church Disestablishment Act, for the equal benefit of all classes of Her Majesty's subjects, by enacting that the surplus funds of the Church shall be applied 'mainly to the relief of unavoidable suffering and calamity,' and that, 'in the manner in which Parliament shall hereafter direct;' and that, in addition to these considerations, a Bill of such importance, and involving such novel principles of legislation, should not be proceeded with until ample time has been given to the public for its proper consideration;"

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said, he was aware that the Forms of the House would not admit of any Amendment being put, unless the hon. Baronet (Sir George Campbell) should withdraw his, in which case some hon. Member might afterwards propose the Amendment, of which he (Mr. M'Laren) had given Notice; but as his hon. Friend, in drawing a distinction between the Amendments, spoke of his (Mr. M'Laren's) as being the more extreme and violent, he thought he might be allowed to suggest another definition of the difference. His was intelligible—"he who runs may read"—while he had heard many hon. Members say of his hon. Friend's Amendment that they did not understand what it meant; and, certainly, he was in that position, and thought that, in place of an obscure Amendment, a plain one should be substituted. He understood that the hon. Member for Roscommon (the O'Connor Don) was very much concerned about the large endowments which the Scotch Universities got for religious purposes, especially as they were largely devoted to Presbyterian students, and under the management of ecclesiastical functionaries. With respect to that, he wished, before proceeding, to sweep away such an impression, and to assure the hon. Gentleman the Member for Roscommon that it was entirely wrong. The whole of the grants to the Universities of Scotland—he had taken the trouble to search for the figures since the hon. Gentleman had made his speech—were £16,000 for the Professors of four Universities having 5,000 students.

THE O'CONOR DON said, the hon. Member was not in the House when he was speaking, and had misunderstood what he said of Scotch endowments.

MR. M'LAREN said, it was quite true he was not in the House, having been sent for; but two hon. Members had told him the import of his remarks. But whatever the hon. Member did or did not state, the House might be interested to know that, so far from the Edinburgh University being under ecclesiastical influence, out of 39 Professors, only four were what he might call Church Professorships, and none of those four had churches, parishes, or the cure of souls. With regard to ecclesiastical management, there were seven Curators appointed and elected in various ways;

not one was, or ever had been, a minister of any church, and three of them were Episcopalians. Among the 39 Professors £6,604 was distributed; and if his hon. Friend would move a Resolution in this House that the House was of opinion that all payment for ecclesiastical teaching should be discontinued in Scotland and Ireland, he (Mr. M'Laren) should be most happy to second his Motion with all his heart. Along with the grants to Maynooth—commuted since the Disestablishment at 14 years' purchase—and the commuted *Regium Donum*, he should be delighted to see these and all other Irish and Scotch ecclesiastical endowments swept away. Just one remark he should like to make in passing upon what was said by the hon. Member for Carlow (Mr. Kavanagh). In commenting on his (Mr. M'Laren's) proposal, the hon. Member objected to that part of it which condemned the application for the purposes of the Bill of the fund specially devoted to meet suffering and calamity by the Act of 1869. The hon. Member seemed to assume that because Parliament had done wrong in regard to a previous measure, dealing with intermediate education, that was complete absolution for every wrong which might be committed upon the fund in after years. He (Mr. M'Laren) took leave to differ from that view. If the House did wrong in appropriating £1,000,000 destined for the suffering poor of Ireland by the Act for the Disendowment of the Church, he saw in that no reason for taking another £1,500,000 from the poor and suffering classes and giving it to the rich and middle classes for the endowment of Colleges and Universities, that their sons might attend them almost free of expense. He thought the very opposite should be the case; and he would apply the common remark of police magistrates in dismissing the offender for the first time—"Go, sir, now; but remember you are not to do the like again." With these preliminary observations, he (Mr. M'Laren) would refer to the Bill, condensing his remarks, inasmuch as he could not formally move his Amendment. One remark he must make as to the constitution of the Senate. The Senate was to consist of 24 members, and he had no doubt that, as nominated at first, a fair proportion of Protestants and Catholics would be declared under the terms of the Bill;

but, possibly, Roman Catholics would secure more than half the representation. A considerable number of the Senate would be grandees who would never attend. A number would be in this country attending Parliament and others Irish Judges. There was a significant clause, that the graduates of this University might, in certain cases arising, elect six members out of these 24. Then another significant clause said that six should be a quorum. He apprehended that when the six were elected by the graduates of this University, they would naturally and very properly be members of the Roman Catholic body. Those six men, in order to give satisfaction to their constituents, would be constant in their attendance, and, practically, would have the whole management of the funds and of the arrangements of this University in their own hands. There was something very peculiar about the Colleges. This University body which he had described had the sole power of deciding whether a College should be affiliated to the University or not. If the College was one which they did not agree to affiliate, that College could never get a share of the benefits arising from this University grant. It had been stated by a powerful organ of public opinion that there were two non-Catholic Colleges to be considered as being admissible—the one Presbyterian, and the other Wesleyan. He would ask first, would they desire to be admitted into this University; and next, would they be admitted, even if they desired it? On the first point, he was by no means clear that they would desire it. He had some information that they would not; but that remained to be proved. The definition of Colleges to be admitted was somewhat strange. A College to be affiliated was described to be an institution with not fewer than 20 students, either in the College or in a boarding-house. That was a very strange kind of College to be affiliated—20 students living in a boarding-house. It seemed to him that it would be a very good speculation for anyone to get 20 pupils into his boarding-house and bring them up for examination, and get the large result fees and the salaries authorized by the Bill. Certainly it was an odd idea for Colleges of that kind to be affiliated to a University. If a young man chose to live with his father and go to the Univer-

sity for examination, he would not be admitted. He must live in, and come from, one of these Colleges. Then, again, the definitions excluded the students of the Queen's Colleges, and any person having any endowment from a University. Hon. Members were aware, from the Reports published the other day, that in Queen's College, Galway, there were no fewer than 73 Roman Catholic students. Why were they to be excluded? If they had even attended one of these Colleges during the previous year, that would, by the Bill, be sufficient to exclude them. He ventured to think that that was unjust. Another thing was that the students must be educated in Colleges in Ireland. This excluded all students educated in England and Scotland who might choose to go to Ireland to be examined, and to compete for prizes. He remembered hearing some years ago a report, which afterwards turned out to be false, that a manufacturer in the North of England put up a notice on his gate—"No Irish need apply." This Bill had a notice put on the gate of the University that no English, Scotch, or foreigners need apply there. It was to be a close University for the benefit of certain persons described in the clauses. Was there any University in the world where there was such an exclusion? He greatly doubted it. Members of his own family had been partly educated at the Universities of Paris, Heidelberg, and Bonn; and, so far as he had heard, they were received with open arms by the French and Germans, just the same as if they were native subjects; but if French or Germans came to be examined at this University, they would be told "that it was exclusively for Ireland." ["No, no!"] He would refer hon. Members to the words of the clause. On page 6, Clause 23, it stated that the Colleges must be "in Ireland," and that all students—

"Shall for at least six months be resident in one of these Colleges before they can come up for examination."

Now, students educated in Dublin, or anywhere else in Ireland, might go to a University on the Continent to pursue their studies and to be examined. By the Bill all students must come up for their first examinations in the Arts classes; and when they became professional men, as lawyers, doctors, or engi-

neers, they must be examined in their respective branches. Here he would like to state, to prevent misapprehension, that reference was made by the hon. Member for Carlow (Mr. Kavanagh) to the strong Scotch feeling against this Bill. He did not exactly know what was meant by Scotch feeling; but he knew what his own opinions were, and he begged leave to say that he had no anti-Irish feeling of any kind. The first vote he gave in that House, 14 years ago, was on a Coercion Bill for Ireland, 354 for it and 6 against it; and he had the honour of being one of the six who voted on the occasion. The last vote he gave was on that day week on the Irish Land Bill. He had very great difficulty in voting for it, because he thought some of the clauses were unjust to the landlord; but, because it was an Irish Bill, and it was urged that it would be for the benefit of Ireland, he stretched a point and voted for it. If the Bill had been for Scotland or England, he would not have done so. He had no feeling against the Irish or against the Roman Catholics; and he would like to discuss this Bill as if it were connected with the Synod of Ulster, or any other Presbyterian body, apart altogether from any anti-Catholic feeling. Another point of great importance from a pecuniary point of view was the large power of expenditure. There was power to provide museums for these Colleges, laboratories, and libraries, and to provide for their future maintenance. Anybody who knew anything about the expense of a laboratory, as his right hon. Friend the Member for Edinburgh University (Mr. Lyon Playfair) did, would see the enormous expenditure which might in this way be incurred. Anybody who did not know would be staggered at the amount—an amount which, he believed, the framers of this Bill had not calculated upon. Another power in the Bill to which he very strongly objected was the salaries to be given to the lecturers in these Colleges and boarding-houses. While the Treasury was to have control over the salaries given to examiners in the University, the Governing Body might give lecturers any salaries they thought fit in any Colleges they might be pleased to affiliate, without any check on the part of the Treasury. This was a power which he would not willingly trust to

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any such body. These lecturers, no doubt, were to be paid only for teaching subjects that were not considered religious subjects. Suppose a lecturer had to teach mathematics, or natural philosophy, or any other branch for the degree of Arts, there was nothing to hinder him, at a different hour, from teaching a religious class; and if he got a good salary as a lecturer for teaching secular branches, he might well lecture on and teach religious subjects for a small additional sum. The Governing Body, in selecting the Colleges to be affiliated to the University, and in the other matters which he had mentioned, would have an amount of power and influence which he thought no such body ought to possess. With regard to the Colleges or boarding-houses with 20 students, they were not called upon to send up their students to be examined until they knew them to be ready to be examined and likely to pass. They would get to know what the nature of the examination would be, and they would be advised not to go up unprepared, lest they should be plucked. Was not that a common sense rule. Therefore, when 20 students would be sent up from a College or boarding-house, it ought to be taken for granted that nearly all of them would pass. This did not apply merely to Art students; all the medical and law students and engineering students must also undergo this first examination in Arts. If the 20 students passed, what was the result? Why, the College or boarding-house would get a grant of £400 for the first year, in addition to the salaries of the lecturers, and to all the appliances in the College, for teaching of the young men. It was very difficult to analyze the result of this state of things unless by way of comparison. He would make a comparison, to show how it would work in regard to existing institutions, and would for that purpose take the University of the City of Edinburgh. It had now nearly 3,000 students, including summer classes. Suppose that only 2,000 were qualified to pass their first examination, what would be the result? The University, it must be remembered, was not merely an examining body. It was a teaching body, and, after the teaching, there followed the examination. If those 2,000 out of 3,000 passed, the result would be that the teaching body would receive £40,000 for

the 2,000 students at £20 each. Now, was not this monstrous? Did the House contemplate such an expenditure? No doubt, it would be said—and fairly said—that it would be a long time before the proposed University had 2,000 students. Not only were they to get their education practically free, but large bribes were, in this way, to be offered them to come up. But if a University should be established, the sooner it was in a thriving position the better; but the House had a right to inquire what would be the result when that thriving position was attained. Edinburgh was only one of four Universities in Scotland; and as the Roman Catholic population of Ireland was said to be greater than the whole population of Scotland, it was by no means an extravagant supposition to conclude that there would be a large number of Roman Catholic students. The hon. Member for Roscommon (the O'Connor Don) was concerned about the fact that a great proportion of the students in the Universities of Scotland were Presbyterians. He would just refer to one class of students to show how incorrect such an idea was. There were about 1,100 medical students attending Edinburgh University. He was very sorry he had not with him a list which he had at home of their whereabouts—whence they came; but he could tell with sufficient accuracy for the present purpose that about one-third belonged to Edinburgh and the other towns and counties of Scotland; about one-third belonged to England, and about one-third belonged to the Colonies, America, the Continent, and to Ireland. He believed there were about 30 from Ireland. The impression that these students must necessarily be Presbyterian, or in any way under Presbyterian control, must, therefore, be a mistaken one. The medical students, under this Bill, were to undergo four examinations. For the first they were to earn £20, for the second £25, for the third £30, and for the fourth £35. Placing this in comparison with his own University, suppose that 500 medical students were able to pass these four examinations—for the first, the University would get £10,000 in a lump; for the second, £12,500; in the third year, £15,000; and in the fourth year they would get £17,500. Hon. Members would observe that he

had taken the minimum scale of rewards, there being two scales in the Schedule. Then, in addition to all these grants, there were Fellowships, and all that sort of thing.

MR. MITCHELL HENRY: I venture to interrupt the hon. Member one moment. He is under a great delusion. It could not possibly be as he states, because the interest of the sum of £1,500,000 could not be exceeded.

MR. M'LAREN said, it seemed to him, with submission, that the remark should naturally have come in reply. Having said this about grants to Colleges and Universities, he had not said a word about grants to the students themselves. If 1,500 passed their first examination in Arts, every tenth man would receive a grant of £20 for each of three years. This would be for 150 students, and would amount to £9,000. Why should 150 raw young lads who had passed their first examination get a grant of £9,000 at the public expense? What had they done to deserve it? They had been promoting their own interests, and had been pursuing their education in preparation for business. If a man passed with honour he received a larger grant, and there were Fellowships of £200, which a man could take along with a lectureship. He found that the £1,500,000, as provided for by the Bill, might be invested in various ways, including ground rents. It was reasonable to suppose that it would produce 4 per cent, which would be £60,000 a-year. It was proposed to give that £60,000 a-year absolutely, and at once, for the purposes of the University. But a University did not grow up in one day, and it was accordingly provided that if the Senate once got hold of this £60,000 they should keep it, whether they spent it or not. If they only spent £40,000, they would put £20,000 aside, and might invest it in Government securities. Was that a transaction the House of Commons would sanction? It was said that last year the House passed the Intermediate Education Bill, and that this Bill followed upon the same lines. He took leave to deny that altogether. The Intermediate Education Bill of last year did equal justice to all sects and classes in Ireland. Under that Act no one inquired where the pupil came from, whether from a Presbyterian family, or a Roman Catholic family, or a Roman

Catholic nunnery, or an Episcopalian school, or whether the pupils were boys or girls. They passed a proper examination, and the advantages were equally open to all classes. The case of Manchester had been referred to. He happened to know from another source that the people of Manchester had raised in subscriptions £450,000 for the endowment of their proposed University. They had not asked the Government for a shilling. A great number of the rich and influential parties had, in the last 20 years, joined the Roman Catholic Church. Why could they not club together and endow a religious institution? This Bill provided that no religious matter should be examined into. Those who were old enough to remember the outcry on Sir Robert Peel's Queen's Colleges would remember how the changes were rung year after year on the "Godless Colleges" because religious teaching was excluded; and yet this Bill, promoted by the opponents of the Queen's University, proposed to do the same thing. It was said in the speech of the hon. Member for Roscommon, to which he listened with great attention, that Protestants might come to the examinations in the Roman Catholic University. He begged to return the compliment, and to say that Roman Catholics might also come to be examined in the Queen's University and the Dublin University. If it was answered that though the Catholics would be glad to receive Protestants at their University, they could not be expected to go to Protestant Universities themselves, he must say that he could not understand that kind of reciprocity. It came to this—that they disendowed one Church 10 years ago, and that they were now asked to give a large part of the spoils to endow another Church—not directly as a Church, but by endowing the members and the Colleges of that Church. He had now come to the last point with which he would trouble the House. The time that had been given was much too short to consider a Bill of this kind. The proposal appeared in the papers on Friday morning, and here, on Wednesday, they were asked to consider a Bill of such great importance in all its details. They had only had four clear days to consider it—Saturday, Sunday, Monday, and Tuesday. That was all—only four days, including Sunday—to

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consider that momentous Bill. He doubted whether half the people of Ireland had had an opportunity of considering it. It would be most injudicious to press on the Bill at this time. He had said so much about students in the Universities of Scotland, of grants to religious teachers, that he forgot to tell what were the largesses given to the students of those Universities. They remembered the grants to the students at Maynooth. They knew what grants were made to the students of the Queen's Colleges and the University of London. Hon. Members would doubtless suppose that students of the Universities of Scotland were treated on the same principles of civil and religious equality; but they would be startled when he told them that there was no student in Scotland who got one shilling from any Parliamentary grant, although there was a small sum derived from the old Revenues of the Crown in Scotland. The salaries of the Professors were very moderate. In his opinion they were far too small. They mainly depended upon the fees they got from the students, and in that way their income was made up. See how all that was reversed by this Bill. In the place of students paying fees for their own education, they were practically rewarded, and their education was to be provided for at the public expense; because the Bill enacted that lecturers should get such grants as the quorum of six thought fit, and that the students themselves should, in place of paying for their own education, get some £20, £30, £40, and £50 on passing their different examinations—sums which, with the moderate cost of living in Scotland and Ireland, would amply suffice to maintain a student during his six months' course of instruction at these Colleges and boarding-houses.

COLONEL KING-HARMAN: Sir, the attempt to defeat this Bill—but not on its merits—by certain hon. Members, is a course which is highly to be reprobated. I therefore think that the best way in which we can show our decided determination to pass the Bill is by adopting the course of saying as little as possible. The Bill was introduced in a very able and moderate speech, which could not fail to commend itself to the good sense of the House. Many of the objections which may be raised against the provisions of

the Bill may be safely left to the hon. Member for Roscommon (the O'Connor Don), who introduced the Bill in so able a manner. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice), in a speech which everyone who listened to it must have admired for the terseness and closeness of his argument, made a number of attacks upon the Bill. From the objectionable points thus enumerated, I maintain that the present Bill, submitted by the hon. Member for Roscommon, is entirely free. A point was made by the hon. Member for Carlow (Mr. Kavanagh), who said that he hoped that a statement would be made to the House to the effect that the Bill, as it now stood, would commend itself to, and be approved and accepted by, the Roman Catholic Bishops. I am not by any means empowered to say whether it will or will not meet with the reception named; but I do honestly believe that this Bill has received a close scrutiny from the hands of the Roman Catholic Bishops, and that they are prepared to look upon it as a fair measure of justice, and one calculated to meet the ends which they have in view. In conclusion, I will say that I regret that my name does not appear on the back of the Bill. I believe it to be a just and true measure, and one calculated to bring about the settlement of a long-standing and sore grievance.

MR. OSBORNE MORGAN said, most hon. Members were agreed on two points—first, that it was high time that this question, which had hung like a cloud over Ireland for the last six or seven years, should be settled; and, secondly, that if it was to be settled at all, it ought to be settled upon a permanent basis; or, in other words, a basis likely to recommend itself to the majority of the Irish people. He submitted if a University was to flourish in a country like Ireland, or in any free country, it must give to that country the thing which it wanted. His noble Friend the Member for Calne (Lord Edmond Fitzmaurice) had constructed an ingenious and admirable scheme; but did he believe any large portion of the Irish people would accept his plan for amalgamating a Roman Catholic College with the Queen's Colleges? It was upon a similar rock that the Bill of one of the strongest Ministries that ever existed in this country had split. Of course,

they must not expect this question to be settled at once, or that it should be jostled through the House of Commons on a Wednesday; for triumphs of that kind, snatched in that way, were generally short-lived, and were likely to recoil upon the heads of those who won them. There was one thing about which he was particularly anxious, and that was what reception the Bill would meet with from the Roman Catholics. He did not mean the Bishops, but the people. Would they or would they not be satisfied with it? There was no doubt it was well recommended; and he must say that, looking at the six names on the back of the Bill, looking at those who supported it, it appeared to be a genuine Irish Bill, and on that point he was almost a Home Ruler. The measure had been described by the hon. Member for Edinburgh (Mr. M'Laren) as a proposal to endow the members of one Church and their Colleges with £1,500,000 of public money already appropriated to the relief of unavoidable misery and calamity. Of course, Parliament could undo what Parliament had done, and last year it had departed from the principle to which his hon. Friend referred. But was his hon. Friend's description of the Bill a fair one? There was not a single word in the Bill from one end to the other about any particular Church; and he was told that a Wesleyan College in Dublin and a Presbyterian College in Belfast were to be affiliated to the proposed University. If the Bill refused to affiliate those Colleges, they would know what to do with it. It was, perhaps, a sort of concurrent endowment; but mainly in this sense—that it proposed to give certain prizes for proficiency in purely secular subjects to students educated at affiliated Colleges, which might, or might not, be denominational. No doubt, the effect of the Bill would be to call into existence a number of Roman Catholic Colleges which could not exist if the Bill did not pass. But was that an objection? When he listened to some of the speeches to-day he could not help thinking that some hon. Members seemed to speak of Ireland as if it were a newly-discovered Island in the Pacific Ocean. Why would the majority of the affiliated Colleges be Roman Catholic if the Bill passed? Simply because Roman Catholics were the persons who wanted a University.

Mr. Osborne Morgan

The Protestant Episcopalians did not want it, they had got Trinity College; the Presbyterians did not want it, they had got the Queen's Colleges. It was the Roman Catholics who would use the new Colleges—the sons of farmers and others of the middle class, very inferior in wealth to persons of the same class in England. It was positively monstrous to compare these young men with the sons of middle-class people in Lancashire and Yorkshire. Hon. Members might ask why the Roman Catholics did not go to the Queen's Colleges and to Trinity College. They might as well ask why Mahomedans did not eat roast pork. Therefore, was it fair to the Roman Catholics of Ireland to say to them—"You shall be educated on our terms, or you shall not be educated at all?" That was a very short-sighted policy. He endorsed every word of his noble Friend when he said he wished that religious animosity had died out in Ireland. But how was that to be brought about? In no better way than by encouraging a higher class of education. He did not care whether it was Roman Catholic bigotry or Protestant bigotry—for there was such a thing as Protestant bigotry too—there was no way in which they could so well fight against it as by higher education. There were two points in the Bill which commended it to his mind. First of all, there was the constitution of the Senate, which was to be a State-appointed body. The Lord Lieutenant of Ireland might be relied on to put proper men into it; and when once appointed these men might be trusted to do their work, for the full light of day would be let in upon them. The small proportion that was to be elected by the graduates themselves was a security to him that the Colleges would not be allowed to degenerate into merely theological institutions. They would be secular first and sectarian after. In the second place, all the prizes were to be given for secular knowledge; and he, having been not only a student but a teacher, knew that, as a general rule, young men would work for those subjects for which prizes were given. But in giving this general support to the Bill, he did not mean to say that he approved everything it contained. There was one clause in the Bill, for instance—the 18th clause—to which he did strongly object. His hon. Friend

was asking for a very large grant of public money, to be taken, no doubt, from an Irish fund, and he did not say that his hon. Friend was dipping too deep. It was all very well for the hon. Member for Edinburgh to speak of the small prizes offered to Scotch students; that was a reason for increasing their value, but not for cutting down what was proposed to be given to Irish students. All he could say was that he did not find £200 a-year excessive when he had a Fellowship. A man could not live to study when he had to study to live. But when hon. Gentlemen asked for so large a sum of money, they were bound to spend it in a way which would meet the approval not only of Ireland, but of the nation generally. He would say with respect to the 18th clause that the more the area of competition was extended, and the higher the standard of our Universities would be, the better. He was not afraid of new Universities. Competition, in whatever shape, would be good; and he did not fear this University would be allowed to degenerate into a mere theological school. If that were done, the evil would very soon work its own remedy, and its degrees would be treated with the contempt they deserved, like those of some German and American Universities. But he did not anticipate any such thing from Ireland. There was no fairer field for the establishment of a national University than Ireland. It was impossible to walk half-a-mile in the streets of Dublin, or to mix with the people in any part of Ireland, without finding that there was there a great deal of solid ore, which required only to be extracted from the *matrix* and to be properly worked to become precious metal. Ireland had probably produced more men of genius than any country of its size in the world; and it would be a lamentable thing if a nation which had produced a Burke, a Grattan, an O'Connell, a Sheil, a Lecky, and a Justin McCarthy, should be deprived of a University adapted to its wants, simply because Englishmen and Scotchmen could not agree as to the principles on which it was to be founded.

MR. PLUNKET said, he did not propose to go into many of the arguments that had been raised during the debate; but he must be allowed to refer to the speech of his noble Friend the

Member for Calne (Lord Edmond Fitzmaurice). On behalf of the University which he (Mr. Plunket) represented, he begged to thank the noble Lord for the generous praise which he had bestowed on that University. That praise would be gratefully accepted, all the more because it came from a man who was one of the most distinguished graduates of this country. The noble Lord referred to the question of the Divinity School and the College Chapel; but it would appear that he was not quite aware of the present position of the school, or that proposals were under consideration which would, he believed, entirely and satisfactorily settle the matter. He was sure that there was no Irish Member in the House who did not agree with him in saying that the question of the present state of the Divinity School, and of attendance in Trinity College, had nothing whatever to do with the grievances that had been brought forward during the debate. The reason he desired to address the House on the occasion was to explain the position in which he stood. He could assure the House, and the hon. Gentlemen who were interested in the progress of this measure, that he was sincerely desirous of accepting and considering, in a frank way, the proposals they had made. If hon. Gentlemen opposite succeeded in obtaining a just and satisfactory settlement of the question, no one would rejoice more heartily in their success than he should. But he must decline to give a vote in their support on the present occasion, for the reason—which was one which would be shared by many hon. Gentlemen in the House—namely, that he was not in a position to say what the effect of all the elaborate proposals contained in the Bill would be. It was impossible in so short a time to get that assistance and advice which was required to deal with a question like this. He wished to know what would be the view taken of it by those who were most interested in the financial part of the proposals. It was not wrong to say that the Catholic hierarchy in Ireland had been at the bottom of this question for years and years past; but no one had told the House that they were prepared to take the Bill as a settlement of their claims. Not only was that so, but he had observed that many newspapers had pointed out that

the Bill would have to be very much modified if there was to be a chance of its passing. Would the Bishops be willing to accept large modifications? Then there was the question of the existing Universities. He said again it had been impossible for him to collect opinions on the subject. There was, for instance, that University which he had the honour to represent in that House. It might, although not directly assaulted or even mentioned in the proposal, be indirectly affected by the Bill, and to a very large extent. It was on those grounds that he protested, the other night, against the action of his hon. Friend in announcing an early day for the discussion of the Bill. He warned him, in no hostile spirit, that it might bring a certain degree of suspicion upon his measure, whatever its merits were, if any hurry should be shown in bringing it forward; and he must say for himself, in the few observations he would have to offer on some points that had struck him very forcibly—he must say frankly that he had not had time as yet to consider their application and bearing as fully as he could have wished. He desired to refer to the extraordinary constitution of the Governing Body for the new University. There was no University in existence that had a Governing Body at all in comparison with it. When the six members proposed to be chosen by Convocation should be appointed, there would still be a great preponderance of members appointed by the Government—that was a total innovation on the present idea of University government. But when they considered the proposals carefully, it would be seen that it was proposed to give to this Senate extraordinary powers of government, which would affect not only the University itself, but also the affiliated Colleges to a great extent. Whatever degree of control the Imperial Government had over the appointment of this Senate, there was no check whatever within the University upon the operations of that body, and yet the House was asked to pass the second reading of the Bill in which the Schedule which ought to contain the names of the senators was a perfect blank. Therefore, upon this important question affecting the whole constitution of the new University, the House was left en-

tirely in the dark. He next wished to call attention to the enormous sum of money which it was proposed to hand over to this uncontrolled Senate to be spent upon a University in which there was not yet a student or a Professor. No one had ventured to give the House any information as to the number of students that might be supposed to join the University; but still the demand was made that a large amount of money should be given over to the Senate—an amount far exceeding the endowments of the Dublin University or those of Queen's Colleges, in which there were and had long been a vast number of students. That might startle the House, but he would explain his meaning. £1,500,000 might, of course, be invested by this Senate to as good a purpose as the money of the Disestablished Church of Ireland had been and was now invested. A great deal of money had been invested quite safely and properly at $4\frac{1}{2}$ per cent, and it might still be invested very well at 4 per cent. He had no reason to believe that the Senate would deal less wisely with the money in that respect; but the result of such an operation on its part would be an income of £60,000 per annum for the new Senate, of which they knew nothing—to be dealt with as that body pleased. The income of Dublin University was about £40,000, and of Queen's Colleges about £30,000; so that the new University would have an income of nearly half as much as one and double as much as the other of the two existing Universities. That was a very startling proposition, and one which should not be settled with but 48 hours' consideration. Although the Senate might at once, after the passing of the Act, demand the whole of this sum, it by no means followed that they should be required to spend it. On the contrary, a clause was placed in the Bill directing how the surplus funds, which, at first, might not be required, should be invested. It was, therefore, impossible to say to what amount those funds might, in a few years, be increased. Then, as to the direction from which the funds would come. He did not wish to argue with his hon. Friend the Member for Carlow (Mr. Kavanagh), in what he said with reference to the application of that large sum of money taken from the surplus of the Irish Church funds. No hon. Gentleman would deny that it

was proposed to apply a large portion of that money for the purpose of endowing Catholic Colleges in Ireland. There was no doubt of that, at all events. Those who had no objection to united education were, at present, sufficiently provided for. It was to provide those who would not avail themselves of this united education that the money was to be applied, and he contended that 19 out of 20 students who entered the new University would be Roman Catholics. He was not saying this at all in a hostile spirit; but he could not feel quite so calmly on this subject as the hon. Member for Carlow, when he recollected what took place in 1868, when he recollected how ruthlessly the axe was laid at the very root of the tree, how completely the process of levelling down was carried out. And now he could not view without pain the proposal that the spoils of the Irish Church was to be, in a short time, shovelled over in heaps to build up a new institution, which would be practically the exclusive possession of the Catholics of Ireland. They must recollect how strong were the appeals to the justice and even to the mercy of the House made at the time by clergymen of the Church, which was then disestablished, whose hopes in life were blighted, and whose prospects were ruined. They must recollect how sternly those demands were repressed, for it was said that was the day of levelling down, and the principles of disestablishment had been adopted by the State, and must be carried out to the bitter end. But now, if Parliament was going to re-open this question, surely they must deal, first of all, with the claims of the unfortunate curates and other clergymen of the Disestablished Church? And if they were going to touch the surplus funds of that Church at all, he would point out that the Divinity School of Trinity College had not yet been provided for. And now as to the way in which it was proposed to apply this vast sum of money. They could not, by direct endowments, give so much money to such institutions as were in existence, and so, if he might use the expression, they had to stuff in at the eyes, ears, and nose, what the mouth could not swallow; and, once given, there would be no power of recalling the money, however those Colleges might turn out.

There was not, in any other University in the world, such a thing as these result fees. Not only honour men, but mere pass men, would be able to bring back to the College which housed them, and the Professors who taught them, £114 each, every year. How was it possible that fair competition could be carried on between institutions where the pupil had to pay more than £80 a-year, and institutions which gave gratuitous education; for he believed it would be possible for the Colleges that would be created under the Bill to give education gratuitously. He wished it to be understood that if there was to be a new University, he was by no means desirous that the provisions made should be scanty. He did believe, however, that it was unwise to hand over such a large sum of money before they knew what students they were going to have, or what kind of men were to form their Governing Body, or what Colleges were to be affiliated. This money would be handed over, bodily, actually, and for ever. He deprecated jealousy between the different Universities, and he hoped that hon. Gentlemen opposite would not imagine that he was speaking at all in a grudging spirit. He had always considered it to be the best plan, when any additional provision was required, to increase rather than diminish the number of Universities. Such a competition he had always held to be extremely healthy as between University and University. He freely admitted that the amount of money to be given, and the conditions to be imposed on the Governing Body, were such as it would be possible to modify in Committee; but, apart from all this, there was the old objection, which he considered a very grave and serious one—this was really a new departure from the position which the State had taken up in regard to University Education in Ireland. In Ireland they had held to the principle of united education in regard to the Dublin and Queen's Universities, and any change from that principle with regard to a new University he should deeply regret. He should regret it, to a certain extent, as a stain upon the statesmanship of Irish Members; and, certainly, if on further consideration the principle adopted in this Act should seem to at all, however indirectly, deal with or injure those great principles, as they were established in

the University of Dublin, he should give such a proposal his uncompromising opposition. It was with great regret that he had had to make these criticisms in a somewhat hostile sense on a proposal brought forward by the hon. Member for Roscommon. On the other hand, he was free to admit that the Bill now before the House was in some respects attractive in comparison with other proposals which had heretofore been made on the subject. It would be a great gain, if they were approaching the settlement of this question, that a measure had been introduced on the one side, and had been supported on the other side, by independent Members, because it at once removed the question from the arena of Party struggle, which had brought so many previous similar attempts to an untimely end. That would be a great gain, and he should be glad if it were possible, on further consideration, so to modify the measure as to make it acceptable to the House generally. He was sure that would be, to a great extent, the result of the spirit in which the measure had been brought forward by the hon. Member for Roscommon. He must observe that the hon. Member had introduced it very moderately and fairly; but there was also this point on which he thought the proposals of the Bill might be regarded as much more acceptable to the House than some of the proposals previously made on the subject, for, although the limits to the power of the Governing Body were very vague and wide, and although the amount of endowment claimed was very large, still there was an admission that State control was to some extent to follow State endowment. There was another reason why he very much preferred this Bill to some of the previous propositions. Unlike the Bill introduced by the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), the present Bill did not destroy any existing institutions as a condition necessary for the building up of a new one. It left the other Universities as they were. It left the Dublin and the Queen's Universities standing. And it was not only in the interests of those Universities that he claimed this credit for the present Bill over previous ones. Should it turn out that this new institution, if it came into existence at all, was really to be merely a denominational University in its character, then he held

that the best safeguard they could have against the development of all the worst consequences which were by some persons anticipated as to the teaching and standard of education in such an institution, would be the presence of such rivals as those of Dublin and the Queen's Universities, constantly in the presence of the new Colleges, and capable of holding up a high standard of education with which those might compete, and, at the same time, quite free from any injurious influence coming from that quarter in return. For these amongst other reasons, he was, for his own part, desirous—and he was sure many other Members of the House agreed with him—to give a fair, and full, and frank consideration to the proposals before the House; but, on the other hand, he must decline to be pledged to the second reading of the Bill until he had more time to consider it, not only by himself, but with the advice of those who were better qualified by their experience to deal with such a subject than himself, and to decide what would really be, on the whole, the general result of these very important proposals.

MR. SHAW felt sure the hon. Member who had introduced the Bill had no wish to force it in an undue manner upon the House, and, in giving the Bill a second reading, he contended that the House did not endorse the principle of the Bill. It was quite in the power of the House to consider the Bill on the Motion "that Mr. Speaker do now leave the Chair." It was obvious that any hon. Member introducing the Bill at that time of the Session did receive very great advantage from the Bill being advanced a stage. The question of University Education in Ireland had been brought before the House for the past 10 years, and he hardly knew any question which had been more debated than that question; while for the last six months it had been so constantly before the country, and in the newspapers, and speeches, and in other ways, that he could hardly think there was any hon. Member of that House who had not fully made up his mind on the subject. They had been asked whether they would assure the House that the Prelates of the Catholic Church in Ireland were in favour of the Bill. The only answer he could give to the House was that he and his hon. Friends with him would hardly

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have taken the step they had done in bringing the question forward without having some pretty general assurances that it would meet very generally with their approval. The hon. Member for Edinburgh (Mr. M'Laren) said that the Bill confined its benefits to affiliated Colleges. Students from other countries could compete for the degrees and prizes of this University, and he had no doubt they would have a great influx of students from that land which they all seemed so anxious to leave, but to which none of them appeared to be in a great hurry to return. The opposition to the Bill had come from various sources. They had that day had an opposition from the Liberation Society; but he asserted that that Society, in its fundamental principles, was in full accord with the principles of the Bill. He belonged to the Dissenting body, and what education he had received was given him in an English Dissenting College; and he knew that those very men who led English Dissent based their whole opinions on the lines laid down in the present measure. The noble Lord who seconded the Amendment of the hon. Member for Kirkcaldy (Lord Edmond Fitzmaurice), in an admirable speech, pointed out another mode of dealing with this question; but surely those other ways had been tried long enough. Where was there as practical a measure, that would settle this question, which could compare with the present Bill? He voted against the Bill brought in by the right hon. Member for Greenwich; indeed, he had no love for any of the previous propositions on the subject, because they commenced by destroying existing institutions. He was proud of Trinity College, Dublin, and of the education which was imparted there; and, therefore, he did not look with any pleasure on a measure which would destroy, or interfere in any way, with its full operation. But they were asked to plant their new institution under the shade of Trinity College. Why, they might as well say to them they should not exist at all; for if they were to plant the new institution beside the old one, it would be many years before it grew to any dimensions. The only way in which this question could be satisfactorily met was by proceeding on the lines laid down in the present Bill. They proposed to give money to institu-

tions as a result of work done, and to students as the result of work done, and they said—"Give students the very best religious education possible. But the moment you go into the arena of science and kindred subjects we bring before you the test of examination, and until they were equal to that they could do nothing." Now, he asked, was not that the very best method of bringing the Catholic students of Ireland out of anything narrow, anything selfish and antiquated, and bringing them into the full and free life of modern literature and modern science? There was such a bending and bowing to what was called popular feeling, there was in this country such a dread of agitation, that men would even trample on their own opinions and give way to that feeling. The question of University Education in Ireland was a matter the settlement of which was so necessary in order to bring modern ideas and modern improvements in science to three-fourths of the people in Ireland, that he would do anything to try to settle it on the basis of that Bill. He knew thousands of men who were not able to go to the London Universities owing to the expense; and he thought that, as Protestants, they ought to be ashamed of such a state of things. So defective was the present system that the people of Ireland were not able to return a single Representative to Parliament. He believed the House of Commons, as generous Englishmen, would endeavour to remedy that great wrong by at once settling the question. The matter was now before the House; and he hoped, if they did not give the Bill a second reading that day, at all events it would go for discussion at another time, and that it would then get a second reading. He did not at all adopt the suggestion made by the hon. Member for Edinburgh, for it seemed a most unfair one—it was that they should tax the converts for the foundation of the University; but he thought that would be a very hard thing to do. Their poverty had been thrown in their face, and it was asked why they did not subscribe towards the education of a University? Why, the Catholics of Ireland had raised a large sum of money, greater in proportion than the people of Lancashire had raised for a similar object; but the good results which would have accrued from that subscription had never been

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realized owing to the inaction of the Government, who refused to give them a charter, whereby the money might be brought into use. He strongly supported the Bill before the House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Member who has just sat down has made an observation which I shall notice at once. He said that although it might not be possible to come to an agreement on the principle of the Bill at so short a notice, still it might be a wise course for the House to take to read the Bill a second time, and refer to the future stages—to the question of your leaving the Chair—the discussion as to the expediency of the plan proposed, and as to the circumstances of the case with which we have to deal. Now, upon that point I think the House ought to be very careful how far it commits itself to the second reading of a Bill as to the exact effect or intentions of which it is not satisfied, with a view to the discussion at some later stage of points upon which it is necessary that we should have full information before we pass it. We have heard one or two remarks in the course of this discussion, and remarks have also been made elsewhere, as to the apparent hurry in pressing forward the second reading of the Bill. But I wish most distinctly to say that I do not think we have any right whatever to charge the hon. Member for Roscommon (the O'Connor Don) and the Friends of the Bill with any attempt to hurry the Bill through Parliament, or to find any fault with them for using the best expedition in their power to bring it under our notice. We cannot help recognizing the difficulties under which independent Members in this House are placed when they wish to bring forward any measure for discussion; and we most gladly recognize the desire which the hon. Member has shown to prepare his measure carefully, and to bring it forward at as early a period as possible. We also admit that it was difficult, if not impossible, for him to obtain a day for bringing it under the notice of the House in sufficient time unless he obtained an early day; and, therefore, we do not wish to express our dissatisfaction with the course taken by the promoters of the Bill in bringing it under our notice to-day. But while I admit that the promoters of the Bill are right in bringing it forward as quickly as pos-

sible, I would impress on the House that it is quite a different thing to consider how far it ought to be in a hurry in accepting a Bill such as the one before us until we fully understand what are its general effects and intentions. I must say—as far as the discussion has proceeded—we have still a great deal to hear before we can thoroughly satisfy ourselves on that point; and even in the course of this very day's discussion, the hon. Member in charge of the Bill has made an important statement, and one which seems to me to open an entirely new issue for us to consider. In the few observations he made in moving the second reading of the Bill, the hon. Gentleman said he hoped that we should confine our attention to-day to the real issues which were presented to us; and those real issues were two. The first was whether there was any necessity for the further extension of University facilities in Ireland; and, secondly, whether the plan which he submitted to us was a plan well calculated to meet the wants which might exist. Then he went on to say that he did not bind himself to details of the proposal, and even with regard to the funds by which the expenses were to be met he by no means bound himself to the suggested method as the proper means to take; but that he would be prepared to consider any other proposal for meeting the expense of the scheme. I am bound to say that that is a proposal which can hardly be treated as a suggestion merely of detail. It seems to me that it is a proposal which opens to us considerations of a very large character, and which we can hardly be prepared to consider without further deliberation, and which the Bill, as it at present stands, does not sufficiently explain. If a proposal is made which may be turned into a proposition to place a new University upon the Votes of Parliament, that may open to us a totally new field of consideration from a proposal that we should take a large amount of money from the Irish Church surplus, and apply it to that purpose. I am always reluctant to raise minute points and quibbles about matters which are really matters of detail, and which may be considered in Committee; but I think this is really one of a very large character, and goes very much to the root of the question with which we are now

concerned, and I think it would be only right and proper that before we decide whether we can give the Bill a second reading or not we should know how far one or other of the proposals is to be treated as the essential basis of the scheme. We cannot help feeling that we have many instances before us where attempts have been made to settle the question of Irish University Education. The sands are strewn with a good many corpses, and we know very well that the difficulties with which we have to deal are very great and various; and I am sure that we shall not act wisely in rushing too quickly in dealing with this question until we really understand what the nature of the scheme is. Now, I do not wish, at the present moment, to go very fully into the details of the scheme which is before us. I think my hon. and learned Friend the Member for the University of Dublin (Mr. Plunket) has raised several points upon which it would be very desirable that we should have an answer. It is desirable that we should know something more about the proposals as to the affiliated Colleges; and we ought, as I have already said, to know something more distinctly as to the funds which are to be the foundation of the scheme, and we ought to see whether it really is or is not the intention of the promoters of the Bill that so large a sum of money should be placed at the disposal of the Governing Body to be created; whether it should have the power of increasing it by accumulations, and whether it should acquire the command over the whole University system of Ireland, as my hon. and learned Friend seemed to think might be the result of the scheme. This is a matter which is really worthy of consideration; and we ought to know also whether the new University, which is to be a rival of the existing Universities, is to have the power not only of carrying on competitions, as has been stated, for students by granting degrees—perhaps on more favourable and easier terms than other Universities; but whether in consequence of those easier terms it would have the effect of obtaining a greater number of students, and thus increasing the wealth of the body, who would also have greater facilities for endowing or assisting by material advantages the various affiliated Colleges with which it will be con-

nected. That is a point of a large and important character, and one which ought to be explained to us and thoroughly sifted out. There is also another point—but, before I go to that, I should like to say a word on the general structure of this Bill, and especially in reference to the observation that this Bill has been drawn on the lines of the Intermediate Education Bill of last Session. Now, the Intermediate Education Act of last Session was an Act of an experimental character—it was one which was favourably received by Parliament, and I think it is one which, as far as we can get at the experience of its working, seems likely to be of very great advantage to Ireland. We must remember that there are several distinctions between the case of the Intermediate Education Act and the case of the Universities. In the case of the Intermediate Education Act you have, in the first place, this great point to be observed—that you had not in existence intermediate schools. It was necessary, if Intermediate Education views were to be promoted, that something should be done to make that exist which did not exist. In the case of the Universities, you have already a University, and the point is whether this University can be made more suitable to the requirements of the country, or, if that is impossible, whether a new University ought to be created and made suitable for that purpose. With regard to the Intermediate Education scheme, we considered we were perfectly justified in proposing to apply a considerable sum of the surplus of the Disestablished Church of Ireland, because we thought that in the scheme there would be no infringement of that which we regarded as the fundamental principle to be observed in dealing with the question. In the debate to-day, as to whether it is or is not in the power of Parliament to alter the disposition of the funds, which was contemplated by Parliament at the time the Church was disestablished, everybody, of course, must admit that, at all events, technically speaking, it is free to Parliament to alter the work which has been done by a preceding Parliament, and to vary the disposition of the funds which were formerly intended to be appropriated in a certain way. That was done last Session, when we confined the operation to the Intermediate Education

Act; and I think we must all recognize that there was one condition which was distinctly contemplated by Parliament at the time of disestablishment, and which is almost in the nature of a fundamental principle, in dealing with the funds—that is, that the funds should not be applied, directly or indirectly, to any denominational purpose. In the case of the Intermediate Education Act, great precautions were taken to prevent the funds being applied to denominational purposes. It is true the result fees and payments were made to the students themselves, because it was open to anyone to be examined; but the examinations were not of a religious character, and the same may be said, no doubt, of many of the proposals in the present Bill. But there were result fees, and these result fees were to be applied subject to the guardianship of the Conscience Clause. But in this Bill, it is to be observed, there is no Conscience Clause, and it would be a question I should like to have cleared up whether it would be in the contemplation of the promoters of the Bill to introduce anything in the nature of a Conscience Clause applying to these Colleges, which are to take advantage of the foundation which it is now proposed to establish. Then, again, the Intermediate Education Act did not apply at all to buildings, and that is a matter very well worthy of consideration, and it is one upon which, before we enter upon the Bill, we ought to have full information. We are in this position—we admit that it is desirable to provide for the expansion of the University system in Ireland, and are anxious to see measures taken for that purpose; but, on the other hand, we cannot assent to any proposal which could be turned into an endowment of religious teaching. We consider that that is a point which has been settled by Parliament; and when it comes to a question of the Irish Church surplus, we feel bound not to allow that surplus to be applied in a way that would be open to objection. There are other points which may be raised with regard to this measure. I do not think it would be advantageous to go into them, nor do I think it would be possible to improve much on what has been said by my hon. and learned Friend the Member for the University of Dublin. The hon. and learned Gentleman has great knowledge and has

had large experience on the subject, and he has expressed an opinion in favour of a third University. That is a point upon which I must cordially say I do not feel so sure as my hon. and learned Friend; but I am ready to suspend my judgment respecting it. The question of affiliating Colleges is one which raises very great difficulties; and I confess that I should prefer to see payments made directly to the students themselves instead of to the Colleges, unless some better provision can be made than that contained in the Bill to prevent payments being made to endow denominational institutions. As to the various purposes to which the money might be applied, I will not now enter fully into them; but I think it would be wiser, if we are to have payments made to Professors and persons engaged in teaching, that it should be kept more directly under the control of Parliament, and that the salaries of such persons should be placed on the Votes of Parliament rather than that they should be defrayed out of a fund over which Parliament has no control. These are some of the suggestions which arise on the scheme which we have had before us during the last few days. There has not yet been opportunity for that scheme being particularly examined by those most competent to examine it, and it is a scheme upon which further information really is required before the House can come to a conclusion whether it will or will not proceed so far as to give it a second reading.

MR. LOWE: Sir, I take it for granted, after the speech of the Chancellor of the Exchequer, that my hon. Friend the Member for Roscommon (the O'Connor Don) will not think it wise to press for a Division this afternoon, as he might meet with opposition on that side of the House which, possibly, a little more consideration and reflection would altogether obviate. I trust, also, that the right hon. Gentleman the Chancellor of the Exchequer will give—indeed, I am sure he will give—that fair and candid consideration to the question which it requires, and will not consider that he is deterred from doing so by any objection to details of the Bill which might be removed in Committee. The matter is, of course, one of considerable complexity and still greater delicacy, and I think we cannot approach it in too calm or,

The Chancellor of the Exchequer

I may say, judicial a spirit. The right hon. Gentleman has set a very good example in that respect in the speech he has just made, and I cannot do better than follow it. We all have, I believe, the same view in our minds, and that is to do the best which can be done for the people of Ireland. One thing which strikes me is that the course of the present debate has turned on matters which are not matters of the principle of the Bill, but matters for Committee. A great deal has been said as to the body which should be intrusted with the funds, and that is a matter entirely for Committee. A question has been raised as to what sort of Governing Body it ought to be, and whether it ought to be based on the example of the Governing Body of London University. I confess myself that, having some experience of it, I consider that a very proper body. London University is governed by a body similar to that which is here proposed, except that there is a difference in the number. Some hon. Gentlemen have expressed an apprehension that the members would not attend. The meetings of the Senate of the London University are not very exciting; they seldom have any disturbing topics, except when there is a question of admitting ladies to degrees. But we can generally get an attendance of 20 or 25, and, if that is the case in London, I think there need be no fear of obtaining a sufficient number in Dublin. All that has been said about jobs being done in a corner is, in my experience, quite imaginary. But what I really want to impress on the House is this—that it is absolutely necessary, not for the sake of Party, but for the purposes of education, and for good government in these Islands, and for the stability of this country, that we should take a clear and decided course with respect to Ireland. Forty years ago, an attempt was made to establish a system of joint education in Ireland. There is an immense deal to be said for the advantage of promoting the association of young men of different denominations, so that they may form those associations which are often so durable in after-life. It was a noble and good thought, and no one can blame those who made the attempt. But look at what has been the result. Look also at the result of the late Lord Derby's sys-

tem of joint education. Where is it now? It exists in name; but, in reality, it is a denominational system to all intents and purposes. Last year Parliament took Intermediate Education in hand. On what principle? All that has been done points in the same direction. We are told that we are to assist schools; but they are all denominational schools. The late Sir Robert Peel made a noble attempt. He tried to establish a system of joint University Education in the Queen's Colleges in Ireland, and we have now Dublin University thrown open to all comers; but could anything be a greater failure? ["No, no!"] I do not mean to say that the Queen's Colleges in Ireland have been a failure in all respects; but they have failed to bring University Education to the Catholics of Ireland. The repugnance of the people is such that they will not go. Therefore, the state of things in Ireland is this—that we have originated a great and noble policy to which we have given every trial; but that that policy did not suit the habits, wishes, or feelings of the Irish people, and, in short, would not work. That is the position in which we stand. We have worn out all the machinery we devised for ameliorating the condition of Irish education, and we have now to take a fresh departure; and the question is, what is the fresh departure to be? Will you cling to the beggarly elements of the old system? Will you attempt still to force into unwilling connection with each other Catholics and Protestants, when you see by 40 years of experience that they are determined to remain asunder; or will you, as you cannot have what you would have, make the best of what you can have? I would myself rather see the youth of different denominations educated together; but is it wise or statesmanlike, having tried the experiment, and having found that it will not answer, still to go on with it, certain that nothing can come of it? As we cannot do what we would, had we not better do what is in our power? If we cannot educate all the youth together, is it not better that we should yield to the feelings of the nation, and adapt our institutions to those feelings? If we cannot unite them, the best thing we can do is to give them separately the best education in our power. What are we doing? We have adopted a system of Interme-

diate Education ; but what are we doing with University Education ? It is quite true we have thrown open Trinity College to Roman Catholics, but on terms which, in obedience to those whom they respect, they cannot accept. Are we, then, to say that all the University endowments of Ireland are to be absorbed by the Protestants, and that the Catholic masses of the people are to be left without the means of University Education because they will not accept the system you think best ? Is such a course safe, or wise, or worthy of a great nation ? That is the question which I hold ought to be decided on the second reading. If we go on as we are going, nothing but mischief can come of it. I think that all the details of the Bill, with which this matter is encumbered, are of secondary consideration. Any mistake in detail can be corrected ; but if you insist on setting your faces against what is fair, and reasonable, and just, you will educate a race of people who will hate you instead of loving you. It is in vain to talk of discontent and disaffection, unless we exhaust every means in our power in order to give Ireland what she never yet has had—a fair and reasonable share in the money spent on University Education in Ireland. I thank the House for having listened to me so kindly. Perhaps I have hardly kept to my intention, which was to speak with great calmness and reserve ; but I feel very warmly on this subject, and I can imagine nothing in the world is so calculated to unite together all classes of Her Majesty's subjects as that the House of Commons should—and I have great confidence, after the speech of the Chancellor of the Exchequer, that they will—take the subject into very serious consideration, not allowing themselves to be turned aside by small difficulties of detail, but determined that, come what may, nothing shall be wanting on their part to do equal justice to all Her Majesty's subjects.

MR. NEWDEGATE inferred, from the speech just delivered by the right hon. Member for the University of London (Mr. Lowe), that the Senate of that University was not quite an happy family. He (Mr. Newdegate) was one of those who looked at the substance rather than the form of the present Bill ; and he thought, after having consulted Mr. Speaker, that the substance of it ought

to have been introduced in a Committee of the Whole House before the Bill was introduced, for the Bill proposed the endowment of a particular form of religion for educational purposes, as had just been declared by the right hon. Gentleman the Member for the University of London, and the House could not have a more competent witness. The framers of the Bill had managed to elude the Rule of the House, for it had been so drawn that the word "religion" did not appear in it, and the consequence was, that although it was a Bill for the endowment of a particular religion, the terms of the Bill had enabled its proposers to evade the Forms of the House. The House had thus a Bill pressed on for second reading, the substance of which ought to have been submitted to a Committee of the Whole House before the Bill was introduced. The Bill, as was now declared, ought to have been founded upon Resolutions passed in Committee of the Whole House. By the process which had been adopted the Bill had been thrust on the attention of the House with undue haste, and now the hon. Member for Roscommon (the O'Connor Don) urged that the House should at once adopt its principle. What was the principle of the Bill ? It was exclusive to the last degree. The first principle of the Bill was that no student of any of the schools or Colleges connected with the Queen's University, the University in Dublin, should be admissible for examination for a degree before the Senate of the University, which the House was asked to create. The House knew not how that Senate was to be composed ; but the hon. and learned Member for Denbigh (Mr. Osborne Morgan) said that he should support the second reading of the Bill, but would insist upon Parliamentary control over the intended University. Well, there was a case in point. This debate reminded him (Mr. Newdegate) of the debates prior to the adoption of the first grant for the College of Maynooth, which he had read. At the close of the last century, an attempt was made to accomplish an object closely analogous to that which was now proposed. The Maynooth College had been founded on the same principle as they were now asked to re-adopt, but with the security that the Lord Chancellor of Ireland was to be a leading member of its nominated Senate, and with the further security

Mr. Lowe

that the provision for Maynooth was to be derived from annual grants, to be year by year proposed and voted in the House of Commons. The hon. and learned Member for Denbigh could not be ignorant of the history of the College of Maynooth, or of the final abandonment of all attempts on the part of Parliament to control it. How, then, could they hope that Parliament could control such an institution as that now sought to be created? He (Mr. Newdegate) adduced the case of Maynooth as an illustration of the failure of Parliamentary control. The Lord Chancellor of Ireland (Lord Chancellor Redesdale), after the institution of Maynooth College had been in existence for some years, petitioned His Majesty, that he might be relieved from his functions with respect to the College of Maynooth, because he found himself in a position of disgraceful nonentity. What hope, then, was there of the efficiency of Parliamentary control over a University, constituted as was proposed by the Bill? Not only did the Bill involve the principle of denominational endowment, but, as he had said before, the principle of exclusion—exclusion of the pupils of every school connected with either of the other Universities in Ireland. How could they have a clearer illustration of the obvious character of this proposed institution? This University was founded on the principle of exclusive denominationalism, and yet the Representative of the University of London, which was founded upon the opposite principle of non-denominational inclusion, seemed to imagine that the House would create satisfaction by this abandonment of the principle he was bound to represent in favour of principles Parliament had not for 300 years sanctioned. Parliament had abandoned the principle of denominational exclusiveness, even where much more moderately exemplified in the case of the older English Universities, and yet Parliament was now deliberately asked to adopt the principle of exclusive denominationalism in Ireland. Be it observed that the Roman Catholic Bishops were silent. At the end of April there appeared in *The Times* newspaper an announcement that there had been a serious difference among the authorities of the Roman Catholic Church in Ireland. Simultaneously with the appearance of Cardinal

Cullen in Ireland, as a Bishop, in 1851—he (Mr. Newdegate) well remembered it—the Christian Brothers, an Order affiliated, as he (Mr. Newdegate) believed, to the Jesuit Order, appeared in Ireland. After Cardinal Cullen had attended the last meeting of the Papal Council of 1870, he went to the Irish College in Rome, and there made a speech which was reported in the English Roman Catholic newspapers, and of which the Cardinal never to the day of his death denied the authenticity. He told the Irish College that the object of the Papal Council of 1870 was to suppress Gallicanism in the Roman Catholic Church, and to establish the domination of Ultramontaniam. Ultramontaniam was the extreme of Popery. It was the principle, which sought to uphold the universal and temporal, as well as the ecclesiastical, power of the Pope. Ultramontaniam involved this principle—that whatever a Roman Catholic might seek in the form of education, in the sphere of literature, or in the form of any intellectual pursuit—he might have on one condition—that it should be granted to him by his Church, but that he should not pursue it, if forbidden by his Church. That principle the Christian Brothers had been inculcating and carrying out in Ireland to such an extent, and in so bigoted a spirit, that the Roman Catholic Bishops appealed to the present Pope against the exclusive action of the Order and their rejection of the Bishops' authority. The present Pope was reported to have refused the petition of the Roman Catholic Bishops of Ireland, though it was a petition, adopted by them, when assembled in Synod at Maynooth. This monastic Order was, in consequence, independent of the Roman Catholic Episcopate in Ireland, through the decision of the present Pope, whose predecessor, Pius IX., upheld the independence of the Jesuit and Franciscan houses in Paris, against the Archbishop of Paris. As far as he (Mr. Newdegate) could understand, the schools and Colleges, which would directly benefit by the grant Parliament was asked to make for this University would be the schools and Colleges of the monastic Orders, and over the conduct of these Orders and their schools the House had not even the security of the control of the Roman Catholic Bishops in Ireland, whatever

that might be worth. He asked the House, after their experience of Maynooth College, their connection with which, and pretended control over which, Parliament had been forced to abandon—whether, if Roman Catholic Bishops could not control these schools and Colleges, which were to be connected with this new University, there was any hope of Parliament doing so? He trusted that the House would forgive the length of his remarks; that his experience of the Maynooth question in that House, the attention he had for years given to the condition and effects of the College of Maynooth, would induce the House to excuse his occupying their time. What was discovered by the Commission appointed to inquire into the education of Maynooth? They discovered and reported, that the education given at Maynooth was not only limited and imperfect, but that it tended to the most ultra doctrines of Ultramontaniam. Now, the House was asked to proceed upon the principle on which Maynooth was founded, in erecting a University for the laity of Ireland, after Parliament had deliberately severed its connection from Maynooth, a seminary which inculcated doctrines of which Parliament could not approve. That was the principle of the Bill. It had been introduced with great dexterity by the hon. Member for Roscommon; but he (Mr. Newdegate) prayed the House, and those who thought it necessary to establish another University in Ireland—a University to which no Roman Catholic could take any reasonable exception, if that were possible—not to adopt the Bill, because it embodied the desire of a small section of that House to endow that Ultramontaniam—that egregious Popery, the representatives of which now governed the Papacy by a persistent system of rebellion. These extreme doctrines had become dominant in the Vatican, and were found to have rendered the Vatican a focus of rebellion against every Government in Europe. ["No, no!"] He referred those who denied that to the Chambers and Government of Italy, to the Chambers and Government of France, to the Chambers and Government of Germany. Her Majesty's Government had, through the Chancellor of the Exchequer, expressed their opinion that this House could not safely sanction the second reading of

Mr. Newdegate

the Bill without further inquiry—a Bill so drawn as to have invaded the Forms of the House, which, on any matter touching religion, required that the subject should be debated in Committee of the Whole House before any Bill thereon was introduced. He asked the House to reject the second reading of the Bill, as founded on a system of exclusive denominationalism, totally inconsistent with the principles, on which Parliament had for more than 30 years proceeded, and no less at variance with the principles, on which the Parliaments of an earlier period had invariably acted.

Motion made, and Question proposed,
"That the Debate be now adjourned."
—(*Mr. Synan.*)

THE O'CONOR DON: I do not think it would be desirable, after what has fallen from the Chancellor of the Exchequer, and from the right hon. Gentleman the Member for the University of London (Mr. Lowe), that I should resist the Motion for the adjournment of the debate; but I would appeal to Her Majesty's Government as to whether they should not give me an early day for its resumption, in order that we may come to a determination on the question involved in the principle of the Bill. The whole course of to-day's discussion proves that the subject is one which the House considers to be of the highest importance, and, indeed, which is so important as to be taken out of the category of ordinary Private Bills. One point has been mentioned by the Chancellor of the Exchequer, to which I should wish for a moment to advert. The right hon. Gentleman has said that in my opening statement I made an important announcement, which he regarded as, to a certain extent, an alteration of what I stated in introducing the measure, and that is, the source from which we proposed to get the money to carry out the provisions of the Bill. If I made any observation to lead the right hon. Gentleman to the conclusion at which he appears to have arrived, I can only say that I did so by mistake. We propose that the fund which we have mentioned in our Bill is the fund which should be used. We believe it is the right fund to have recourse to. But what I intended to convey in my opening remarks was, that if the majority of

the House thought otherwise, and considered it better some other fund should be taken, we should consider any proposal in that direction rather than abandon our Bill—because that is not a cardinal point. We still contend that the fund we have named is the one to take; but, of course, we will bow to the opinion of the House in the matter. I hope that the Chancellor of the Exchequer will accede to the request I have made.

SIR HARCOURT JOHNSTONE, as representing a constituency, seven-eighths of his supporters being Nonconformists, would give his hearty assent to the principle of the Bill, because it would not subsidize denominational education, and it was the duty of Parliament to pass a measure that would be thoroughly satisfactory to the people of Ireland.

THE MARQUESS OF HARTINGTON: It is hardly necessary that I should say a word in support of the appeal which has been made by my hon. Friend the Member for Roscommon, that the Government should give him some facilities for the further consideration of this Bill. I do not wish to press the speech of the Chancellor of the Exchequer any further than it is reasonable to do. I did not understand the right hon. Gentleman to commit either himself or the Government to the support of even the principle of the Bill; but I did gather from his speech that the right hon. Gentleman had applied his mind to the subject, and that on their being satisfied on certain points which he indicated, it was possible that the Bill might meet with the support of the Government. In these circumstances, and looking to the large amount of support which has been given to the Bill on both sides of the House, I cannot doubt the Government will be anxious that such an opportunity as seems now to present itself of settling this long-standing and difficult question should be taken advantage of, and I hope that they will give an opportunity for the further prosecution of the debate. If the Government intend, on further consideration, to oppose the Bill altogether, the measure can probably be disposed of at another Sitting. But, on the other hand, if the Government, on examination, clearly approve of the principle of the Bill, it will then be a matter for consideration how much time they may be able to give to it. I hope,

at all events, that they will entertain the proposal for another day.

THE CHANCELLOR OF THE EXCHEQUER: I am sorry to say, in reply to the appeal which has been made to the Government, that we are unable to respond to that appeal, at all events, at the present time. I quite acknowledge the importance of the measure and of the subject; but I must remind the House of the great difficulties which the Members of the Government themselves experience in proceeding with their own Business. It is, therefore, not in my power to name a day for the resumption of the debate.

MAJOR NOLAN: I think that the reply of the Chancellor of the Exchequer is to be regretted. The Leader of the Opposition has applied to the right hon. Gentleman to afford a day on which this discussion might be resumed; but the Chancellor of the Exchequer, acting contrary to the ordinary usages of the House, does not see his way to do so. I maintain that it is a most unusual thing, when the Leader of the Opposition asks for a day, for the Leader of the House to refuse that day. Other Irish Business was given up upon this Wednesday, in order that the Bill of my hon. Friend might be taken; and a wish having been expressed for another day from the front Opposition Bench, I think the Chancellor of the Exchequer has taken a somewhat extraordinary course in declining to accede to this request.

MR. PARNELL: The Chancellor of the Exchequer has always shown himself to be very desirous of doing everything in his power to meet the convenience of the Irish Members—at least, that has been my experience, and, I believe, it has been the experience of other hon. Gentlemen. What is the position of the Irish Members? Most of them, including myself, have come over here at the greatest possible inconvenience, in order to be present at the second reading of this Bill, and if the Chancellor of the Exchequer refuses to name a day, at some time or other, when the consideration of the subject may be resumed, we shall be placed in the position of being obliged to hang about the House waiting for the Bill to come on. On the other hand, if a day were appointed as requested, we could return with clear consciences to our pur-

suits in our own country. I do hope the right hon. Gentleman will re-consider the point.

SIR GEORGE CAMPBELL: I am glad the Chancellor of the Exchequer has not given a day. However, I merely rise to say that if there should be an adjourned debate on the question, I shall, after what I have heard to-day, ask permission to withdraw my Amendment, in favour of another Amendment, pure and simple, to the effect that the Bill be read a second time that day six months.

Motion agreed to.

Debate adjourned till To-morrow.

ENTAIL (SCOTLAND) BILL.

On Motion of Mr. JAMES BARCLAY, Bill to amend the Law of Entail in Scotland, ordered to be brought in by Mr. JAMES BARCLAY and Mr. MACKINTOSH.

Bill presented, and read the first time. [Bill 193.]

House adjourned at ten minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, 22nd May, 1879.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [May 19] reported.

PUBLIC BILLS—Second Reading—Costs Taxation (House of Commons) [190].

Committee—Report—Local Government (Poor Law) Provisional Orders* [155]; Local Government Provisional Orders (Axminster Union, &c.)* [154]; Local Government (Highways) Provisional Orders (Buckingham, &c.)* [161].

Considered as amended—Summary Jurisdiction [169].

Third Reading—Public Health (Scotland) Provisional Order (Bothwell)* [162]; Local Government (Ireland) Provisional Orders (Waterford, &c.)* [133], and passed.

QUESTIONS.

MERCHANT SHIPPING ACTS—"KAIN v. FARMER."—QUESTION.

Mr. MAC IVER asked the President of the Board of Trade, Out of what funds the Department will provide the £1,600 damages required to be paid to Mr.

Mr. Parnell

Kain, owner of the barque "Dora," under a recent decision of the Court of Common Pleas, and confirmed on Appeal; what is the amount of legal expenses incurred by the Board of Trade in the matter, and which they will have to pay in addition to the damages and Mr. Kain's costs; and, whether the experience of working the Survey Clauses of the Act of 1876 has not been such as to show that they require amendment?

VISCOUNT SANDON: Provision is annually made for law charges in the Board of Trade Vote, and out of this Vote the damages in the case of "Kain v. Farmer" will, I believe, be paid. The costs have not yet been made out, so I cannot give the information desired on this point. As to the third part of the Question, I would remind my hon. Friend that the case of the *Dora*, about which the trial was held, arose under the Act of 1873, and not under that of 1876, under which the Board of Trade at present takes its proceedings. I cannot say that my experience of the Board of Trade, which, of course, has not been a long one, has at all made me feel that the Survey Clauses of the Merchant Shipping Act of 1876, which were adopted by Parliament after long and full consideration, ought at present to be altered.

CRIMINAL LAW (IRELAND)—THE DUNGARVAN MAGISTRATES.

QUESTIONS.

MR. O'DONNELL asked the Chief Secretary for Ireland, Whether it had come to his notice that, on the 3rd instant, before the Dungarvan magistrates, a poor woman, who had never before been accused of any crime (and with a destitute family, the youngest being an infant in arms), was sentenced to three months' imprisonment, with hard labour, for the theft of a small quantity of milk of the estimated value of two pence; whether, on the same date, and before the same magistrates, another prisoner, convicted of the theft of some articles of clothing of the estimated value of one pound, was sentenced to only seven days' imprisonment; and, whether, if the facts be so, he will take steps to procure the remission of her punishment?

MR. J. LOWTHER: Mr. Speaker, as far as I have been able to ascertain

the circumstances of the two cases alluded to, I am disposed to think that the magistrates were right in the course they adopted. The case first referred to was that of a woman named Mary Hefernan, who was employed in a situation of trust, having charge of a dairy, of which the keys were placed in her possession. It was proved by witnesses that she had been seen on more than one occasion making away with the property of her employer; and I consider that the Bench was fully justified in taking these circumstances into consideration in apportioning the sentence. With respect to the second case, which was that of a woman named Catherine Maloney, she pleaded guilty to the charge of stealing articles of clothing valued at 7s. 6d.; but urged as an excuse that there were arrears of wages due to her at the time amounting to £2 16s., and that she had pawned the stolen goods as a payment on account. The fact of the wages being due was admitted; and although, of course, it could afford no justification for the robbery, the magistrates were, I think, justified in taking into consideration all the circumstances of the case, as well as the mere question of the pecuniary value of the stolen articles, which, in the majority of instances, forms only a limited portion of the matters to be considered in apportioning sentences.

MR. O'DONNELL: I would ask the right hon. Gentleman, if it is true that this was the first offence with which this woman was charged; and, being only a very small offence, whether the punishment was not excessive?

MR. J. LOWTHER said, he understood it was the first time she had been charged; although it was proved at the same hearing that she had been seen on more than one occasion committing the act referred to.

CONGRESS OF BERLIN—THE GREEK FRONTIER—QUESTION.

MR. LAING asked Mr. Chancellor of the Exchequer, Whether the influence of the British Government is being exerted to procure the acceptance by Turkey of the line of frontier for Greece recommended by the Congress of Berlin, or, on the contrary, in supporting Turkey in offering a less favourable line; and, specially, whether Her Majesty's Go-

vernment are supporting or opposing a line which would include the City of Janina in the Kingdom of Greece?

THE CHANCELLOR OF THE EXCHEQUER: Her Majesty's Government do not think it would be convenient, at the present time, to enter into details with regard to these proceedings; but I may say that the influence of the Government has been, and is being, exerted in order to procure the acceptance by Turkey of the recommendations of the Congress of Berlin, which were of a general character. Papers are being prepared on the subject, and will be laid on the Table.

PATENTS—THE PATENTS FOR INVENTIONS BILL.—QUESTIONS.

MR. B. SAMUELSON asked Mr. Attorney General, When he will lay upon the Table the promised statement showing the number of Patents prolonged by the Privy Council in each year since 1870? He also desired to ask what were the intentions of the Government with reference to the Patents for Inventions Bill?

THE ATTORNEY GENERAL (Sir JOHN HOLKER): I have obtained the statement referred to; and I will take steps to lay it on the Table of the House to-morrow. I hope [to] be able to pass the Patents for Inventions Bill this Session; and if the House would only allow the measure to be read a second time, I think I could agree to every Amendment which has been proposed.

ARMY—BALANCES OF DECEASED SOLDIERS.—QUESTION.

MAJOR O'BEIRNE asked the Secretary of State for War, If it is possible to devise a more effectual method of publication than the present one, in order to make known to the relatives of deceased soldiers the balances they are entitled to receive?

COLONEL STANLEY: The list of unclaimed balances belonging to deceased soldiers was formerly advertised in *The London Gazette*, *The Standard*, *The Irish Times*, and other papers; but in consequence of the expense involved—£93 odd—in one publication, it was decided to publish a list in *The London Gazette* only. I am not certain, at the present moment, what better mode can be suggested for making known to the relatives of

deceased soldiers the balances they are entitled to; but I am inclined to think that if the brigade depôts were made more generally the centres of information respecting men, some advantage might be secured.

ARMY—VETERINARY WARRANT OF MAY 1, 1878.—QUESTION.

COLONEL ARBUTHNOT asked the Secretary of State for War, Whether any and what steps have been taken with a view to the amendment of the Veterinary Warrant of 1st of May 1878, in consequence of representations which have been made relative to the same; and, whether any decision has been arrived at?

COLONEL STANLEY: No, Sir; no decision has yet been arrived at.

POST OFFICE—THE CHINA MAILS. QUESTION.

MR. DALRYMPLE asked the Postmaster General, If his attention has been specially called to the inconvenience and loss caused to persons engaged in the China trade by an arrangement contained in the new Postal Contract with the Peninsular and Oriental Company, by which a stoppage on the homeward voyage of forty-eight hours at Hong Kong has been assented to, when no mail necessity can be pleaded in justification (as twenty-four hours are sufficient on the outward voyage), in order that the steamer carrying the mails may load homeward cargo?

LORD JOHN MANNERS, in reply, said, the duration of the stoppage at Hong Kong of the homeward packet from Shanghai, under the new Contract with the Peninsular and Oriental Company, was the same as at present—namely, 48 hours, and it was understood that this interval was of advantage to the China merchants, most of whom had branch houses or agencies at Hong Kong. This stay of 48 hours at Hong Kong was a stipulation of the Peninsular and Oriental Company in their tender, and formed part of it.

CONSPIRACY AND PROTECTION OF PROPERTY ACT, 1875—"BESETTING." QUESTION.

MR. BURT asked the Secretary of State for the Home Department, If his

Colonel Stanley

attention has been called to a case tried before the stipendiary magistrates a few days ago at Birkenhead, when Thomas Critchley and William Suxden were fined one shilling each and £5 12s. costs between them, or in default to go to gaol for seven days, for "besetting the approaches to Messrs. Brassey's Engine Works, with a view to compelling two of the workmen to leave their employment;" whether, as the defendants were admitted by the magistrates to have used "no threats or violence" their conviction can be justified; and, whether, in this case, due regard has been had to the definition of "besetting," as given in the latter part of the seventh section of "The Conspiracy and Protection of Property Act, 1875?"

MR. ASSHETON CROSS: This, Sir, is an important point; and the parties have very properly appealed. That being so, and as the matter is awaiting the decision of a Court of Law, it would be manifestly improper on my part to express any opinion on the subject.

SOUTH AFRICA—THE FORCES IN ZULULAND—QUESTIONS.

MR. WADDY asked the Secretary of State for War, What is the total number of British and Colonial Forces, naval and military, and of all arms now in Zululand; and, what troops, if any, are on their way thither or are under orders to depart?

COLONEL STANLEY, in reply, said, the total number, according to the last Return of the British Forces, was 16,959, in addition to 1,064 men on the passage out and 1,615 under orders to embark. The Colonial troops were, so far as he had been able to ascertain, something like 4,453 of all arms. He had no Returns of the Naval Force. The troops under orders to embark were, for the most part, drafts.

MR. WADDY said, that perhaps the First Lord of the Admiralty could inform the House what was the amount of the Naval Force?

MR. W. H. SMITH: The number of men landed from the ships is 850 blue-jackets and Marines.

INDIA—THE DISTURBANCES IN BOMBAY.—QUESTION.

MR. HANBURY asked the Under Secretary of State for India, Whether

it is true that there has been a renewal of popular disturbances, accompanied by incendiary fires, in the Bombay Presidency; to what cause it is attributed; and, what steps the Government have taken to carry out the pledge given three years ago of measures for the relief of the agricultural population in the Deccan?

MR. E. STANHOPE: My noble Friend the Secretary of State for India (Viscount Cranbrook) telegraphed the other day to the Governor of Bombay with the view of obtaining the latest information on the subject; and, with the permission of the House, I will read the reply, dated May 21, of Sir Richard Temple—

“Your Lordship’s telegram regarding Deccan troubles.—Recent Dacoities occurred in villages, either side, above and below mountains, western border, Poona and Sattara districts. Robbery only, not murder. Plans laid for seizing money and valuables, to be secreted in hilly jungles for future use. Dacoits, hill men of hardy, daring character, led by one or two educated persons. Numbers small; not exceeding 300. They are in two or three gangs; but steep hills and thick jungle favour their operations. First symptoms early last March, when we placed detachments of troops at all the principal places near Eastern side of mountains to prevent evil spreading, besides increased police precautions. Original leader and gang soon captured. Trouble checked end March to middle April; began again end April. Additional detachments of troops despatched, and special pursuing parties organized under European officers. Capture of one desperate gang just effected, and stolen property recovered; leader not caught, but systematically pursued. Poona city fires directed against two old Maharratta palaces, used by British for public purposes. The incendiarism probably intended to annoy Government. Dacoities at present quite localized. Cause believed to be general. No local reason yet shown to exist. No sign of agrarian trouble. Distress increasing in Eastern Deccan, but relief administered.”

As regards the last Question of the hon. Gentleman, I have only to say that the subject has been under the very careful consideration of Her Majesty’s Government; and the Government of Bombay have recently prepared a Bill, mainly in accordance with certain suggestions sent out to them from the Secretary of State in Council. That Bill is now under the consideration of the Government of India. There will be no objection, when a conclusion has been arrived at upon it, to lay it on the Table.

ARMY—REGIMENTAL COMMANDS— THE FIVE YEARS’ RULE.

QUESTION.

MAJOR NOLAN asked the Secretary of State for War, If the general rule in regiments of Cavalry and Infantry is that Officers hold their commands for five years only; if, however, there are certain exceptional regiments in which the Commanding Officers hold their commands for terms beyond five years, whether the practical effect of such exceptional retention of command will be to cause junior Officers to be retired against their will under the new retiring scheme; and, if so, whether steps will be taken to mitigate the exceptional severity which the combined effect of the new retirement scheme and the exceptional prolongation of the Lieutenant Colonels’ command will have on the prospects of junior Officers in such regiments?

COLONEL STANLEY: As a general rule, in regiments of Cavalry and Infantry, officers should hold commands for five years only; but, in the concluding sentence of the Royal Warrant, provision was made for the extension of the term in the case of lieutenant colonels in command, in the event of their being called on, or engaged in, active service in the field, or under other special circumstances. The practical effect on the junior officers might possibly be prejudicial in bringing them under the operation of the compulsory clause of the Warrant; and it is a matter worthy of consideration whether in such cases the retirement of the officers should be dated from the five years’ tenure; or, in other words, that the appointments in succession to them should be ante-dated to that extent. I think that such an arrangement might answer financially and otherwise.

ARMY—CIVIL EMPLOYMENT FOR DIS- CHARGED SOLDIERS.—QUESTION.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether, considering the universally acknowledged and daily increasing difficulties of obtaining old and experienced non-commissioned officers for the Army, he has taken any steps to carry out the recommendations of the Select Committee presided over by the Right honourable Member for Pontefract in 1875 and 1876,

on the civil employment for discharged soldiers, as to placing at the disposal of the Army, as inducements to non-commissioned officers to prolong their service to twenty-one years, that limited number of permanent posts in the Civil Service of the Country which that Committee found to be available for that purpose, after all the legitimate and reasonable requirements of the Civil Departments have been complied with; and, whether he can give any hopes that this great inducement will shortly be held out to non-commissioned officers to prolong their service?

COLONEL STANLEY: This question has not been lost sight of; and we are at present in correspondence with the Treasury as regards those appointments which affect the War Office. As to rural post messengers, it was found that, practically, there were no candidates.

ARMY—THE 88TH REGIMENT—VOLUNTEERS.—QUESTIONS.

SIR HENRY HAVELOCK asked the Secretary of State for War, Whether it is a fact that, a few months ago, while the 88th Regiment was virtually on active service, volunteers were actually called for and given from the *depôt* of that regiment to other regiments in South Africa; whether, when more reinforcements were subsequently required, volunteers from other regiments at home had not to be again called for to fill the deficiencies thus wholly unnecessarily caused in the strength of the 88th Regiment; whether this departure from the principle of the supply of a regiment with men from its own *depôt* was simply a blunder, or was intended as a new method of developing the brigade-*depôt* system; and, whether it was done with the knowledge and approval of the Commander-in-Chief?

COLONEL STANLEY: I am informed that no volunteers have been called for or taken from the *depôt* of the 88th Regiment since the outbreak of hostilities. No volunteers have been called for or required by the 88th, which are still in excess of the establishment.

SIR HENRY HAVELOCK asked whether volunteers were not called for between the cessation of hostilities with the Galekas and the breaking out of the Zulu War?

Sir Henry Havelock

COLONEL STANLEY: It is very possible that that may have been so; but the point of the Question is answered by the fact that the 88th is in excess of the establishment.

ARMY—FIRST-CLASS ARMY RESERVE. QUESTION.

COLONEL MURE asked the Secretary of State for War, Whether, in view of the long time which must elapse before the Army Discipline and Regulation Bill can possibly become Law, Her Majesty's Government will introduce a Bill into Parliament amending the existing Law which regulates the service of the First Class Army Reserve, enabling Her Majesty to call for volunteers from that body during the present emergency in Zululand?

COLONEL STANLEY, in reply, said, that if an understanding could by any means be arrived at, and a Bill of one clause, enabling the men of the First Class Army Reserve to volunteer for service, could be passed through the House without prolonged discussion or the opening up of general questions, he would be willing to introduce such a measure. If, however, it was likely to lead to lengthened discussion, it would, he thought, be better to proceed in the matter by means of the Army Discipline and Regulation Bill, in which there was a clause of a similar nature.

COLONEL MURE said, the Secretary of State for War could only discover whether it would be allowed to pass without discussion by bringing forward the Bill. The onus was upon the right hon. and gallant Gentleman; but, at the same time, he, personally, did not think there would be much opposition.

LUNACY LAWS—LEGISLATION.

QUESTION.

MR. DILLWYN asked the Secretary of State for the Home Department, If he can state when the Lord Chancellor intends to bring in the Bill relating to the Lunacy Laws, which, a short time ago, he informed the House to be his Lordship's intention to introduce?

MR. ASSHETON CROSS, in reply, said, his noble and learned Friend would be very glad to introduce it; but he was waiting until some progress had been made in the measures already before the House.

MALTA — THE MALTESE CIVIL SERVICE.—QUESTION.

MR. ANDERSON asked the Secretary of State for the Colonies, When Sir P. Julian's Report on Maltese matters is to be laid before Parliament, and why the Papers as to the Maltese Riots of 15th May last, promised on the 20th March, have not yet been laid upon the Table?

SIR MICHAEL HICKS-BEACH, in reply, said, that the Report related to the Maltese Civil Service, and that it had only recently reached the Government; but he could not say positively whether he would be able to lay it on the Table. It must first be laid before the Council of Malta, whom it primarily concerned. He regretted that Papers as to the riots, presented on the 15th of May last, had not yet been circulated; but they would be in the hands of hon. Members in a few days.

EDUCATION (SCOTLAND) ACT, 1878—
EXAMINATION OF HIGH CLASS
SCHOOLS.—QUESTION.

DR. CAMERON asked the Vice-President of the Council, Whether the Scotch Education Department has yet arranged with the Treasury for the carrying out the provisions of section twenty of "The Education (Scotland) Act, 1878," for the examination of higher class schools under the management of school boards; and, if not, whether there is still hope of the matter being arranged in time to relieve the school boards concerned from the necessity of appointing their own examiners under the Education (Scotland) Act of 1872?

LORD GEORGE HAMILTON: No change has been made in the decision of the Treasury to refuse to allow the cost of the examination of higher class schools under the management of school boards to be defrayed from public funds since a Question was asked on the subject by the right hon. Gentleman the Member for the University of Edinburgh (Mr. Lyon Playfair). Considerable difficulty has been found in completing the arrangements for these examinations on the terms which were accepted by some of the school boards in small towns; but we hope that, in the case of these boards, this difficulty may be overcome in time

to admit of the examinations being undertaken, before the close of the winter session, by Examiners appointed by the Department.

WESTMINSTER IMPROVEMENT COMMISSIONERS.—QUESTION.

MR. J. R. YORKE asked the First Commissioner of Works, Whether the Westminster Improvement Commissioners, appointed by "The Westminster Improvement and Incumbered Estate Act, 1861," to forthwith wind-up the affairs of the Commissioners appointed by "The Westminster Improvement Act, 1845," have concluded their labours; if not, when it is expected they will do so; and, whether the Report and Accounts, which were required by "The Westminster Improvement Act, 1847," to be rendered half-yearly, have been so rendered; and, if so, whether the Government will lay the same before Parliament?

MR. GERARD NOEL: The Commissioners have not yet concluded their labours, and possibly it may take three or four years to realize the remainder of the estate and to pay off the incumbrances. The Commissioners state that they furnished accounts to the Office of Works—then Woods and Works—up to the 16th of November, 1849, at which date their obligation to do so ceased by the operation of 11 & 12 Vict. c. 124. I may add that the Chairmanship of the Commissioners being vacant, I appointed Sir Henry Hunt to that post about 18 months ago, with the view of winding-up the affairs of the estate; and from communications I have had with him, I am sure he will spare no exertion to carry into effect that object with as little delay as possible.

BOARD OF WORKS (IRELAND)—CARRICK ON SUIR BRIDGE.—QUESTION.

MR. A. MOORE asked the Chief Secretary for Ireland, Whether it is true that the Irish Government have ordered the Board of Works to prepare plans for a new bridge at Carrick on Suir, and have called upon the grand juries of the three adjoining counties to present sums of money for carrying out the work; whether the people of the district have begged that a swivel arch or portcullis be included in the plan;

and, whether the Government have ignored this appeal, and have insisted on a plan which will impair the navigation of the river?

MR. J. LOWTHER: The facts are correctly stated in the first part of the Question. As to the second part, if the word "town" is substituted for "district," that is also correct. As regards the action of the Government, the case was referred to the Judicial Committee of the Privy Council, which is the final Court of Appeal in cases of the kind, and the duty of the Government is simply to give effect to the decision of that Court.

MR. A. MOORE: Sir, I beg to give Notice that I shall draw attention to this matter on the Vote for the Board of Works.

SOUTH AFRICA—THE ZULU WAR—ALLEGED CRUELITIES.—QUESTION.

MR. O'DONNELL asked the Secretary of State for the Colonies, Whether his attention has been called to the following account of the slaughter of a wounded Zulu Chief in the Durban Correspondence of the "Daily Telegraph" of Monday the 19th instant:—

"The following from Colonel Bellairs, D.A.G., has just reached me: Captain Prior, 80th Foot (on April the 5th) proceeded with a mounted patrol, consisting of Lieutenant Ussher and four of his regiment, and Mr. Freter, junior, from Luneberg, in the direction of the Upper Pongola Drift. Having come up with twenty friendly natives, and obtaining information that the Zulus were sweeping horses and cattle from the valley, he went in pursuit, and came within 800 yards of a few mounted men, who were hurrying on horses and cattle, which they abandoned and fled. After capturing the horses (eighteen), and leaving them in charge of Lieutenant Ussher, Mr. Froter, and two men, he went on with Private Bowen, their horses being freshest, following two Zulus who had taken the direction of Dombie. They came eventually within 400 yards, and exchanged shots with them; one of the Zulus was wounded by a bullet, and, the friendly natives coming up, was assegai'd. He was recognised as a younger son of Sihayo; the other, who got away, being ascertained to have been Umbelini;"

whether he has had his attention directed to the correspondence of the "Standard" of the same date, in which cases of refusal to give quarter and of the slaughter of wounded Zulus after the battle of Gingilhovo are mentioned; and, whether he proposes to take any steps in consequence of these statements?

Mr. A. Moore

SIR MICHAEL HICKS-BEACH: The account of the "slaughter of a wounded Zulu Chief" which the hon. Member has quoted from *The Daily Telegraph* is, I see, contradicted by a later account which appeared in the Press yesterday, from which it seems that of the two Zulus named one was killed by a bullet at 400 yards, and the other wounded, and that the wounded man escaped. I cannot say whether either story is accurate; but the later version certainly does not bear out the interpretation placed by the hon. Member on the passage which he has quoted. As to the cases mentioned in the correspondence in *The Standard*, they appear to be unsupported statements of a general character, resting on hearsay evidence, which I should not think it necessary to notice. Circumstances may unavoidably occur in the heat of action which all would regret; but if any English officer, or soldier, had intentionally refused quarter to an enemy who had submitted—which I do not believe—I am satisfied that the military authorities might safely be trusted to deal with the case.

SOUTH AFRICA—INDENTURE OF NATIVES IN NATAL.—QUESTION.

MR. O'DONNELL asked the Secretary of State for the Colonies, Why no Despatch from the Colonial Office has yet been published in the Blue Books laid before Parliament forbidding the South African authorities to indenture out captured Native women and children in servitude to the Colonial farmers; and, whether former British Administrations have not most strongly condemned this practice on the part of subjects of the Transvaal Republic?

SIR MICHAEL HICKS-BEACH: I believe that the practice of indenturing captured Native women and children to subjects of the Transvaal Republic, which was condemned, was one under which children were indentured for 21 or 28 years, and the rights of a master in the indentures of his apprentice were transferable by sale; and that nothing has now occurred which can fairly be compared to this system. So far as I know, in the only instances in which indenturing has now been resorted to, it was necessary to save from starvation destitute women and children who had been deserted by the men of their tribe; and I

certainly gathered from the reports of these cases that the term of service was short, and that the conditions interfered no more with the liberty of the apprentice than indentures in this country. But, on looking at these reports again, I have thought it advisable, in order that the circumstances may be perfectly clear and any possible abuse prevented, to direct further inquiry to be made as to the precise action which has been taken; and I shall, of course, inform the House of the results of this inquiry, and of any measures that it may be necessary to take on the subject.

**ELEMENTARY EDUCATION ACTS—THE
BUCKINGHAM SCHOOL BOARD.
QUESTION.**

MR. E. HUBBARD asked the Vice President of the Council, If his attention has been drawn to the letter of the Education Department of 12th March 1879, informing the Buckingham School Board that—

“My Lords are unable to sanction the borrowing of money by your board for the provisions of a school for 300 children;”

to the present proposal of the Buckingham School Board to take a lease of suitable buildings to be erected for the accommodation of 300 children, at a rent that will pay five per cent. over the expenditure, the board reserving the right to purchase the buildings at any time at six months' notice; to the fact that sufficient accommodation exists already in the schools of Buckingham and Gawcott for the educational wants of the borough; and, whether the Department could make such local investigations and tender such advice to the Buckingham School Board as would save them from saddling the borough of Buckingham with unnecessary school accommodation?

LORD GEORGE HAMILTON, in reply, said, he was aware of the discrepancy which existed as to the sufficiency of the school accommodation in the borough of Buckingham. The Education Department had declined to sanction a loan for the building of new schools, or to express any opinion upon a proposal of the Board to lease premises for the accommodation of 300 children. The question was now one entirely for the ratepayers and the School Board to decide; and in refusing to sanction the loan which had

been proposed, the Education Department had done all they could do in the matter.

**SOUTH AFRICA—THE ZULU WAR—
THE REINFORCEMENTS.—QUESTION.**

MR. OTWAY asked the Secretary of State for War, Whether it is true as reported that reinforcements are about to be sent to South Africa; and whether the soldiers forming these reinforcements are to be taken from various brigades in England; and, in that case, whether the efficiency of those brigades will not be greatly impaired; also, whether, to give a stimulus to volunteering, gratuities of a guinea a head have not been offered?

COLONEL STANLEY: It is true that drafts have been, and are being, sent out from time to time to South Africa; it is also the fact that for some time past it has been contemplated to send out reinforcements, if casualties in the command become very numerous. Soldiers forming these drafts have in some cases been taken from various brigades in England, and it, of course, follows that the efficiency of those brigades has to that extent been impaired. As to the last part of the hon. Member's Question, perhaps he will ask that again, as I have no means of positively answering it now. My impression is, that a gratuity may have been given in certain cases, in accordance with the recommendations of the Committee which sat some years ago.

**SOUTH AFRICA—THE ZULU WAR—
THE ROYAL MARINES.—QUESTIONS.**

MR. OTWAY asked the First Lord of the Admiralty a Question which, to some extent, followed upon the one which had just been answered by the right hon. and gallant Gentleman. It was, Whether it is not the case that there in this country and disposable for foreign service about 2,000 seasoned soldiers of the Royal Marines; and, if so, what hinders the employment of these soldiers on service for which they are especially qualified in South Africa; and, whether difficulties exist in consequence of a difference of views between the Admiralty and War Department as the employment or command of the Royal Marines on such service?

MR. W. H. SMITH: It is perfectly true that there are about 2,000, or even more, Royal Marines, seasoned soldiers, and fit to embark for the seat of war if their services are required. I have already stated in this House that it is the intention of the Government, should it become necessary to send out battalions for the seat of war, to send first of all a battalion of Marines. There is nothing to hinder the employment of these soldiers in the Service, for which they are specially qualified. In answer to the latter part of my hon. Friend's Question, I may say there is the most perfect agreement between the Admiralty and the War Department in this matter, and their views are entirely identical.

MR. RYLANDS asked when the despatch from Lord Chelmsford, in which he asked for three additional battalions, would be laid upon the Table?

COLONEL STANLEY: I received a despatch last night slightly extending the telegraphic request. I did not wish to convey the idea that reinforcements had been refused. At the present moment the matter is still under consideration, and some drafts have been placed under orders, that is all. I generally publish such despatches as are of interest in the earliest *Gazette*; and other Papers are in course of time, and as occasion requires, laid before Parliament. The larger portion of the Correspondence received is of a Departmental character, and could not be laid before the House.

SIR CHARLES W. DILKE: Will this particular despatch be given to us?

COLONEL STANLEY: Oh yes.

THE STATE OF TRADE—STATEMENT OF THE PRIME MINISTER.

QUESTION. OBSERVATIONS.

MR. MAC IVER desired to ask his noble Friend the President of the Board of Trade a Question with regard to a statement quoted from a speech of the Prime Minister's in an article in *The Times* of to-day. He wished to say a few words in explanation of his Question, and, therefore, to put himself in Order, he would conclude by a Motion. The Prime Minister was represented to have used the following words in reference to a previous speech of his own:—

"I said that while the value of our exports had fallen off, their volume remained unchanged. That statement was made upon official authority, and upon facts the accuracy of which no one can impugn."

He and everybody who was connected with shipping would impugn these facts. He should like to know in what port of the United Kingdom the exports were as large in volume now as they used to be, and what was the character of those exports? ["Order!"]

MR. SPEAKER: I understand the hon. Member to be referring to words spoken in this House in the present Session; if that is so, he is out of Order.

MR. MAC IVER said, he was referring to an article which appeared in that day's *Times*. It looked as if that statement was based upon something or another which the Board of Trade had supplied; and he was most anxious to know what were the ports at which exports were going out in the same volume as formerly, and what was their character? He maintained that they could not be manufactured goods; they were probably such things as coals, pig iron, and other materials, which, being sent abroad, would enable foreigners to compete with our manufactures. He did not believe the exports of English or Irish manufactures were large enough to justify the statement. ["Order!"] He thanked hon. Gentlemen opposite for the patience with which they had listened to him. He did not propose to put his Question now; but he gave Notice that he would ask for information on the subject on Monday next. He concluded by moving the adjournment of the House.

MR. SPEAKER: Does any hon. Member second the Motion?

MR. BENTINCK seconded the Motion.

Motion made, and Question, "That this House do now adjourn,"—(*Mr. Mac Iver*,)—put, and *negatived*.

PARLIAMENT — PUBLIC BUSINESS— UNIVERSITY EDUCATION (IRELAND) BILL.—QUESTION.—OBSERVATIONS.

THE O'CONOR DON: I trust I may be permitted to ask a Question of the right hon. Gentleman the Chancellor of the Exchequer, and that is—Whether the Government now sees its way to hold out any hopes to us of our being able to resume the debate on the important

subject which was under the consideration of the House yesterday? and, in asking this, I trust the House will permit me to say one or two words in explanation. I only wish to say that we, who are interested in the Bill, do not desire to make any unreasonable demand of the Government. We do not wish to ask them to name to-day any particular date for the resumption of the debate; but we really do wish to impress on Her Majesty's Government the importance of the subject, and that some hopes should be held out to Members of the resumption of the debate taking place at a reasonably early time after Whitsuntide. I make this appeal entirely on public grounds; and even were I to make it on personal grounds, I think I might have some claim on the Government, considering that immediately I became aware that it was the wish of the Government and of the House that the debate of to-night on an important subject should be continued to-morrow night, I, who had the first place on the Paper for to-morrow, at once waived my right, and the result will be to place to-morrow at the disposal of the Government for the convenience of the House. Well, Sir, I do not really base this appeal on any personal ground at all. I am quite aware that the Government have many important Bills which they desire, and which they have the right, to see pushed forward; and what I would respectfully ask of them is, making all due allowance for these claims on their time, that they would hold out some hope to us of our being able to resume the debate at an early time.

THE CHANCELLOR OF THE EXCHEQUER: I fully acknowledge the considerate manner in which the hon. Member who has just sat down has made his appeal, and I wish also to acknowledge the way in which he has acted with regard to to-morrow night. I can assure him that I wish to meet his appeal in the same spirit in which he has made it; and I trust the House will allow me to draw their attention to the present position of Public Business. We have brought in, on the part of the Government, no fewer than 28 Bills, all of which are now before the House. Of these, a great number—14—have not passed the second reading, and upon seven of these the Speaker has not been moved out of the Chair, and five are in

Committee, and have to be considered on Report. Of the five in Committee, one is the Valuation Bill, with 112 clauses, and at the present time is on Clause 6; while the Army Discipline and Regulation Bill, which contains 180 clauses, has only reached Clause 44. So much for the Bills. Then, with regard to Supply, we have had only two Votes out of 26 in the Army Estimates, and we have also only got two Votes out of 18 in the Navy Estimates, and 71 out of 142 in the Civil Service Estimates. Well, under these circumstances, the House will see that there is a very considerable amount of Business—not all of equal importance, I admit; but the House is quite aware that there are several Bills which are of very great public importance; and in regard to one—the Army Discipline and Regulation Bill—I must remind the House that that is a Bill that stands in a very peculiar position, because it is necessary to carry that Bill before a certain day, or else great confusion will arise. That being so, what is the allowance of time at our disposal? Reckoning from to-day to the end of July, I find that there are nine Mondays and nine Thursdays—making 18 days—eight Wednesdays, nine Tuesdays, and eight Fridays. Now, the Wednesdays, Tuesdays, and Fridays are all more or less at the disposal of the independent Members of the House, while Mondays and Thursdays are at the disposal of the Government. That gives 18 days for the Government, which are clearly their own, and 17 days—a portion of which, up to 7 o'clock in the evening, the Government usually have in the form of Morning Sitzings; while the remainder of the time and the Wednesdays are, of course, not at all at the disposal of the Government. Under these circumstances, it will be seen that, looking at the large amount of Public Business the Government have before them, and looking to the scanty amount of time at their disposal, and at the disposal of independent Members, the balance is not so greatly in favour of the Government as in popular estimation may be supposed to be the case. Of course, I do not lay down a hard-and-fast line. Some of the Bills we have brought forward are of a more general character, such, for instance, as that to which the hon. Member for Burnley (Mr. Rylands) has given Notice. Under

these circumstances, I think I should not be dealing fairly with the House if I held out at the present time any definite expectation of our being able to accommodate the hon. Member. At the same time, I fully recognize the importance of the subject; and I hope the hon. Member will be able to find a day for the continuation of the discussion. I can assure him that if the Government are assisted by the House in prosecuting the important Business which they have in hand, they will find that it will greatly facilitate our complying with the request, which at the present time it is impossible to do.

MR. SHAW: I trust the House will allow me to make a few remarks on the subject before the House, although I am extremely reluctant to interpose between my hon. Friend and the Chancellor of the Exchequer, and to put myself in Order I shall conclude with a Motion. I cannot but express my own very great disappointment at the answer just given by the right hon. Gentleman; and I think if the Chancellor of the Exchequer had given us a more definite answer he would have served his own purposes much better. Obstruction has become almost a fine art, and the right hon. Gentleman has, in fact, almost said to the House that if they keep these Bills about long and do not allow them to pass, he will not give us a day for the discussion of the University Education (Ireland) Bill. What is the state of this Bill as it now stands before the House? This Bill, be it remembered, has been received and acknowledged as necessary by nearly three-fourths of the Members of the House, and it has been acknowledged it would have been a very useful thing if it could be passed this Session. There is no doubt in the world that there are points in it which we, and the hon. Member who introduced the Bill, are willing to look at and consider fairly—

MR. NEWDEGATE rose to Order. There was no Question before the House.

MR. SPEAKER said, he understood that the hon. Member intended to conclude with a Motion.

MR. SHAW: I am quite prepared to move the adjournment of the House. I say that those who are responsible for the Bill are most anxious to meet the objections which are urged in a fair and reasonable way. But how have we been met? I take the answer of the right

hon. Gentleman the Chancellor of the Exchequer as nothing but a distinct refusal to give us another opportunity of discussing this measure. Yesterday, when I addressed the House, I did so under feelings of very great difficulty. I have to acknowledge that usually, whenever I address this House, I receive nothing but kindness; but yesterday I had an impression that there was a great disposition on the part of the House to yield to that ignorant cry of "No Popery," which I should have thought had been dead and buried many years ago, and which, in my heart I believe, nine-tenths of the Members of this House despise.

SIR WILLIAM FRASER, who rose to address the House from one of the cross seats close to the Bar, was received with loud cries of "Order! order!" and "Bar!" He said: Mr. Speaker, I rise to Order—[*Loud shouts of "Order!" and "You cannot speak outside the Bar!"*]

MR. SPEAKER: If the hon. Member desires to address the House, he should present himself within the Bar.

SIR WILLIAM FRASER then came inside the Bar, and said: Mr. Speaker, I rise to a point of Order. A Motion for the adjournment of the House having already been moved and negatived, it is not open to the hon. Member to make a fresh Motion to that effect without some other Motion having intervened.

MR. SPEAKER: No doubt that Rule applies when a Question is under debate as proposed from the Chair; but I cannot say that the Rule applies on the present occasion.

MR. SHAW: Mr. Speaker, I wish to get through the few observations I have to make as quickly as possible; but I cannot sit down without again expressing my disappointment that when the noble Lord at the head of the Opposition appealed for a day for the further consideration of this measure—

MR. SPEAKER: I must point out to the hon. Member that he will be out of Order in discussing the merits of a Bill which has been ordered for consideration at another time.

MR. SHAW: I should be very sorry, indeed, to transgress the Rules of this House; but I was really only wishing to point out the reasons why I thought the Chancellor of the Exchequer should have acceded to the request of my hon. Friend the Member for Roscommon. The feel-

ings in my mind yesterday were those of sorrow and regret. My wish, and that of those with me, has always been to minimize as much as possible the points of difference between this country and Ireland, and to endeavour to find some common ground upon which we can meet to remedy and reform the great evils which exist in Ireland. But what a message we shall have to take back to the people of Ireland on a subject so important and essential to the well-being of the country.

MR. SPEAKER: I must again remind the hon. Member that he is infringing the Rules of the House.

MR. SHAW: I must express my regret, Mr. Speaker, that I have transgressed the Rules of the House. I have been carried away by my feelings, and I must say that there was no premeditation on my part. I now move that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—
(*Mr. Shaw.*)

MR. SULLIVAN: I do not know that at any time since I have had the honour of sitting in this House any message from the Treasury Bench has been sent to the people of Ireland so full of despair and irritation. There is no doubt on the part of Her Majesty's Ministers—there is no doubt on the part of the Members of this House—that the subject of the interpellation to Ministers this evening is one of momentous importance to the people of Ireland. Her Majesty's Ministers own the fact—they own it is most exigent and most necessary; and yet they have to-night told my hon. Friend the Member for Roscommon (the O'Connor Don) that he may take his Bill under his arm and walk out of the House with it. Let us recognize the fact that the present Ministry have, like other Ministries that have preceded them, mocked the claims, baffled the hopes, and sported with the expectations of the people of Ireland, cruelly to deride and deceive them. Now, I charge, across the floor of this House—and let us have no beating about the bush—I charge that negotiations—semi-official negotiations—were carried on last December on this question in Ireland. There is no use in concealing this any longer—we shall have it out. I say the persons in the con-

fidence of Her Majesty's Government have approached the Catholic authorities in Ireland; and I told them at the time, when I was privately consulted, that the Government approached them to betray them. They know it to-night. The Catholic authorities of Ireland were told if a moderate compromise were offered, the liberal feeling and common sense of this Assembly would welcome the solution of so knotty a problem, and the Members would be delighted to have this question out of their way. They were told that this question was embarrassing alike to the Government and the Opposition. We were told, and the Catholic authorities were told—let it be denied if it can—it was told upon what I call *quasi*-official authority, in Dublin—that this proposal was to meet with a cordial, or, at all events, a friendly, reception from the Government. I said, when I heard that, that I was sceptical. There are Catholic Friends about me now who know that I was sceptical then. I told them what would happen, and it has happened here to-night. I am vindicated now. My hon. Friend the Member for Roscommon undertook the unpleasant duty of proposing a compromise which might have imperilled his popularity in Ireland. He hears me, and he knows that the man who stands between a strong popular demand and the House of Commons, as a middle course, subjects himself to the misunderstanding of his motives, to the possible loss of popularity, and, lastly, to the possible failure of his attempt. I ask my hon. Friend, for whom I have the greatest regard, not to dig the grave of his own public position by any effort to settle the question, or to extricate the Government from their difficulty. I told him the Government were strong; and if there was any proposition to be made in the way of a compromise it lay upon them to make it. I told him that for the weaker party to make a compromise on this subject would be to put himself in the wrong; and that it was my sorrowful fear that it would lead to cruel disappointment and irritation of the feelings of the Irish people. One hundred and fifty years ago, we braved the penalties of felony for education. We are a people who have bled and suffered for our desire to give education to our youth. To-day we come to your House with a proposal which every man recognizes as

likely to afford the basis of a happy solution of the question. Her Majesty's Government have 18 days at their disposal, and they cannot listen to us. "Come to-morrow," they say. I might write over the portals of this House for all Irish Members—"Abandon hope all ye who enter here." When we came here as an Irish Party in 1874, hon. Gentlemen who, like myself, then entered the House for the first time, said—and I believed them, and I believe them sincerely now—"Do not ask for Home Rule, or for separation, but show us what Parliament can do, and we will show you what Parliament will do. Put your finger upon practical questions requiring solution in Ireland, or that an Irish Parliament would deal with, and we will show you that English Gentlemen can solve them for you here." Here is one of these questions. Is it a question of magnitude? I appeal to the Government themselves—I appeal to the previous Government, with whom the question prevailed when they were in power—is this a question of pressing importance? I see here one of the greatest statesmen that England or Europe has ever produced. Yes; I repeat it. I did not then believe the proposal made by the right hon. Gentleman (Mr. Gladstone) acceptable; but that never shook my confidence in the gigantic ability of his character. He proclaimed equally, with his Conservative opponents, that this was a question pressing and goading so far as the feelings of the Irish people were concerned, and he essayed a solution of it. You cannot deny that the Irish Party in bringing forward this Bill offered—I will not say the last, but one of the last, of the tests by which they endeavoured to ascertain if this Assembly is prepared to give that which the Irish nation with an Irish Parliament would give. What you give us now is the confession of impotence to deal with the question as regards time, or unwillingness as regards disposition. I tell the Chancellor of the Exchequer to-night—a Gentleman for whom every Member of the Party with whom I serve entertains unbounded respect—that by the answer he has given to-night he has struck a pang of sorrow and regret into the breast of every Irishman who had hoped to see removed a cause of bitterness, irritation, and exasperation existing be-

tween the Irish people and this House. I will also tell the Government this—that they have not facilitated the discharge of Public Business by what they have done. Let the Chancellor of the Exchequer realize this fact—that we fail to recognize in any one of the measures he has laid before the House one at all deserving to be ranked in its pressure and importance with the settlement of the question of University Education in Ireland. For my own part, I feel, after the answer of the Chancellor of the Exchequer to-night, that it would be a mockery for my hon. Friend the Member for Roscommon to attempt to persevere with his Bill. If he takes my advice, he will rise in his place and remove the Bill from the Order Book, and go back to his constituents and his countrymen, and tell them that his efforts—recognized as he is in this House and in Ireland as a Gentleman of moderate opinions—that even his efforts were vain to extract from the British Parliament this simple measure of justice to our country.

THE CHANCELLOR OF THE EXCHEQUER ventured to interpose, because he really thought that a great amount of indignation that had been excited by what he said was thrown away, being founded on a complete misapprehension of what he intended to convey. He was told that he had made a distinct refusal, that he had sent a message of "despair and irritation" to Ireland, and so forth, in regard to this Bill; whereas what he had said was of a wholly different character. He appealed to hon. Gentlemen from Ireland to consider the matter from a common-sense point of view. They knew perfectly well that there was a considerable amount of Public Business which must be got through, and also that there was but a limited time usually given for a Session. They might, however, feel assured that it was the desire of the Government, if it was in its power, to facilitate the discussion of the important subject which was before the House yesterday. The Government had shown that, by the arrangement they made to enable the hon. Member for Roscommon to bring the Bill in. With regard to the time for its resuming consideration, he had said that the Government were unable at the present moment to make a proposal, because of the state of their Business; that what he hoped

was that the House would assist them to get on with the Business, and, if they made satisfactory progress with it, they would be glad to do what they could as to giving a day for the University Education (Ireland) Bill. He called attention to the distribution of the time which remained till the end of the Session as between the Government and private Members; and he thought it would be borne in mind that as there was yesterday so there might be again other occasions between this and the time at which they might be able to offer him a day when the hon. Member for Roscommon might have an opportunity of renewing the discussion of his measure. Commanding, as it justly did, very great interest on the part of hon. Gentlemen throughout the House, he thought it very probable that the hon. Member would be able to find another day on which the same thing might happen as occurred yesterday, when hon. Gentlemen having priority on the Notice Paper would give way, and so allow the Bill to be proceeded with without interrupting the Business of the Government. He wished distinctly to say that he had in no way endeavoured to stop or to stifle the discussion of the Bill; but he felt that, in the first instance, the Government ought to receive the assistance of the House in advancing the important Business they had in hand.

THE O'CONNOR DON felt it necessary, after what had fallen from the hon. and learned Member for Louth (Mr. Sullivan), and from the Chancellor of the Exchequer, to say a few words. He confessed that he could not regard the answer given by the Chancellor of the Exchequer in as completely hopeless a light as the hon. and learned Member for Louth did. At the same time, he felt deeply disappointed at its not being in the right hon. Gentleman's power to give a more definite encouragement to the promoters of the Bill than he now found himself able to do. But he understood the right hon. Gentleman to state that at the present moment the Government was not in a position to give them a day, and he did not think it would be wise on their part to press the right hon. Gentleman further on the matter at the present moment. It was not his intention, however, to abandon every hope of passing the Bill; and he would, under any circumstances, put it down for an early day after Whitsuntide,

when he and others would repeat the appeal they had made to the right hon. Gentleman to afford them facilities for the discussion of that important measure. He might add that every word which the hon. and learned Member for Louth had said with regard to his conversation with him was perfectly accurate. The hon. and learned Member had pointed out to him, in the very terms he had used to-night, the danger that would be run in the introduction of the Bill. But even if the Government were to treat them in the manner in which the hon. and learned Member for Louth thought it might treat them—and in which, perhaps, it would—he, nevertheless, was not a bit ashamed of having introduced the measure. He did not at all regret having done so; and, whatever the result might be—whether the Bill passed or was thrown out—he did not think he would have any reason to regret that he had proposed a measure which was not of an unreasonable character, but one which, if it had been brought forward by the Government, he ventured to say, would have been deemed moderate and reasonable. Whether the proposal led to the settlement of that question or not, it would, at least, have shown that those who were interested in the matter—and especially those who belonged to that community in Ireland which was particularly interested in the settlement of that question—were not unreasonable in their demands; that they knew what they wanted, and understood how to put their demands in such a shape that they might be fairly considered by Parliament. Whether Parliament rejected those demands or not, they had no reason to regret having made the proposal. In these circumstances, he thought the best solution now, on the eve of the Holidays, was to postpone the Bill; and then, after Whitsuntide, when the Government were better able than at present to give him a definite answer, he would repeat the Question he had put to them to-night.

MR. O'CONNOR POWER: On this matter we are not discussing the Irish University question, but we are discussing the conduct of Her Majesty's Government, and I wish to point out the difference which exists between the position which the right hon. Gentleman took up some time ago and his present position. The impression he made on a former

occasion was that the Government were anxious, and were almost prepared, to give facilities for the further discussion of the measure; and he almost announced that they would consider immediately as to the day on which the Bill should be taken. It happened, however, that some private Members—the hon. and gallant Gentleman the Member for Galway (Major Nolan) being the first—offered to give up Wednesday last in order that the second reading of the Bill might be taken. What is the impression the conduct of the Government will make out-of-doors? It will be said Her Majesty's Government are waiting to see how the wind may blow on the subject of Irish University Education. The manner in which the Chancellor of the Exchequer has dealt with the subject shows that the Government are not able to make up their minds, and are waiting to see how the tide of public opinion will run to determine their attitude. I do not think it contributes to the dignity of the Leader of this House that an important question like this should be dealt with as he has dealt with it. My hon. Friend has been asking him for further facilities for the purpose of this Bill; the right hon. Gentleman was able to find facilities for the introduction of the measure, and the state of Public Business was then much the same as it is now; but as he had not ascertained what the state of public opinion is out-of-doors, he has not been able to offer any further facilities at present. Surely, a most unsatisfactory position for a Leader of the House and a Member of the Government. As a Representative of an Irish constituency, I protest against—I will not say the juggling, but I will say the equivocal and ambiguous conduct of the Government in reference to this Bill. I regret the rather too conciliatory tone which I think the hon. Member for Roscommon has adopted on this occasion. [Mr. BIGGAR: Hear, hear!] I am one of those who put very little faith in any compromise that may be sanctioned by hon. Gentlemen opposite. But I felt it my duty to preserve silence, and to give my hon. Friend all the assistance in my power, because I felt that my hon. Friend was engaged in a difficult and dangerous task. There is a time when conciliation must come to an end, and when compromise is only another word for surrender; and, look-

ing at the action of the Government, I think that that time has come, and that the Irish Members, who have been sent here to endeavour to settle this question, should take the very earliest opportunity of consulting together in order to see what course should be taken in reference to the Bill and the shifting conduct of the Government.

MR. NEWDEGATE expressed a hope that if the Government intended to give an opportunity for the further consideration of this Bill, it would not be brought on so near the end of the Session as was the case with the Intermediate Education (Ireland) Bill of last year, which was taken after a large number of hon. Members had left London. Referring to what had fallen from the hon. Member who had just resumed his seat, he said that the Members of the House must make up their minds whether they would exercise control over their own Business; because it appeared to him that the section of the House to which the hon. Member belonged had undertaken to exercise a kind of lordship over their time. For his own part—and he believed he was speaking the feeling of the majority of the English and Scotch Members—he refused to submit to such a control.

MR. COGAN approved of the course which his hon. Friend (the O'Connor Don) had taken in not yet abandoning the Bill. That was a step of the most serious import, and the political feeling it would create in Ireland would be most disastrous and dangerous to the common weal of the United Kingdom. He believed the course which had been already taken by Government with regard to the measure would create a feeling of uneasiness, a feeling of want of confidence in the Parliament being able to deal with matters of great importance to Ireland, and a feeling of distrust, the effects of which he felt would be impossible to exaggerate. He had already stated in that House that he believed it would be an ill day for the United Kingdom if the people of Ireland came to believe that a question which had been admitted by two great Parties in that House to be a question that required settlement, and to be inevitably interesting to the welfare of their country—if they came to believe, after it had been admitted that this question was so important and so necessary to be dealt

with, that, after all, their hopes had been trifled with, and that neither the Government nor the House was prepared seriously to take the question into consideration. Whatever might be the fate or the result of the Bill now before the House, he felt that his hon. Friend the Member for Roscommon had done a wise and good act in placing before Parliament a moderate and reasonable proposal for settling this question. In that proposal he had had the concurrence of many Irish Members who sat on the opposite of the House, as well as on this; and it was so reasonable and so evidently fair that it had elicited the warm support of even so strong an advocate of secular education as the right hon. Member for the University of London (Mr. Lowe). In the few sentences which the right hon. Gentleman uttered yesterday in that House, he spoke what he (Mr. Cogan) believed to be wise advice, when he asked hon. Members to consider whether they would not enter on a new departure in dealing with this question, and endeavour, as an act of great statesmanship, to secure on the part of the Irish people feelings of love, and not of hate. He felt those words of the right hon. Gentlemen were true; and as one who had been for many years an Irish Representative in that House, he had not himself abandoned the hope that the Parliament of the United Kingdom was able and willing to deal with questions that affected the welfare of his country. It would be a matter of deep regret to him if the day came when he should feel it necessary to abandon that hope. He confessed those feelings would be greatly influenced by the future course of Her Majesty's Ministers and the influential Leaders of public opinion who sat in that House; and if—which he would deeply regret—he should be forced to come to the conclusion that this Parliament would not be prepared to deal with this question, as he believed was required by justice and the interests of his countrymen—deeply as he should regret it—having now for 27 years been a Member of that House—he should feel that the time had arrived when he should abandon the hope. He should no longer ask to be elected to this House, when he felt that he was utterly powerless to aid in carrying out the wishes of those who sent him there; and he should feel it to be his duty to

retire into private life, deeply regretting that the course taken by this House should have done the most serious thing possible in endangering the continuance of the union between the two countries.

MAJOR NOLAN: I wish to ask if the country can be expected to believe that it is the difficulty of time which prevents the Government giving a day? The Chancellor of the Exchequer says "Yes;" but I must say that it is a new event in Parliamentary history, when a matter is before the House which may determine whether Gentlemen on this side of the House or Gentlemen on that side shall form the Government after the next Election, that we should be told the want of a day prevents the matter being discussed. Why, there are plenty of ways of doing it. You might make the Session one day longer, or sacrifice a Saturday, or adopt various other methods which will be obvious to the youngest Member. It is quite in accordance, however, with previous experience that the Leader of the Government may not want to commit himself on a great question, and that he may so manœuvre as to keep dangling a particular bait before a large section of the country, and, by refusing to give a day for the matter to be debated, so tide over the time till the next General Election. The Chancellor of the Exchequer has taken great credit to himself for giving us an hour and a-half for this Bill the other night. That was the first time he had given us an hour for any purpose this Session, and, after all, what did that hour and a-half give us? We know what a first reading is. It gives the Mover an opportunity of making his speech and stating the substance of his measure; but it does not force the Government to express any opinion. The Chancellor of the Exchequer gave us a hour and a-half, knowing he would not be obliged to commit himself to any promise of support. Perhaps the Bill being put down for Wednesday was a little surprise to the Government; but with a great skill they managed to let the debate go on for five hours without showing any sign. At the end of that time the Chancellor of the Exchequer did get up, and he said there were a great many good things in the Bill and a great many bad things, and there were various things that he recommended

for consideration. He went into other points; but he never said Yes or No. He never told us whether he was going to support the Bill or oppose it. At the present moment we are perfectly baffled. All we know is that certain Conservative Irish Members have put their names on the back of the Bill; and, on the other hand, we certainly attach some importance to some cheers with which hon. Members below the Gangway opposite greeted some of the arguments against the measure. I believe the Chancellor of the Exchequer wants to ascertain the feelings of his own Party; and, therefore, to put off committing himself either way till the last day. Now, I will tell you how he will probably treat my hon. Friend the Member for Roscommon. He will give him a day very late in the Session, and then at the end of the debate he will say there is no use going on with the measure at such a period of the Session, and that it had better be put off. I believe that is the position in which we shall be placed, unless we obtain some more definite promise than we have yet received. If we have to put the Bill off till next Session, then we shall have to put it off till next Parliament; and at the General Election the constituents in some parts of the Kingdom will be told the Government are against the measure, and those in Ireland will be asked to believe they are in favour of it. In that way the Government hope to secure a majority, if their cards are well played. I do not think this is a high way of governing the country; but we have sometimes seen it done, and it is not inconsistent with the action of the Government up to the present hour. To say that a day cannot be found for a measure supported by three-fourths of the Irish people—for it is supported by Irish Members on that side as well as on this—and a measure which may largely influence the General Election, is to show that the Government wish to retain in their hands, till after the Dissolution, the power of either supporting or opposing us.

MR. A. MILLS said, the Chancellor of the Exchequer had given the House no reason to suppose that the Government were trifling in the matter. On the contrary, he said he would do his best to appoint another day for the consideration of the subject. They had now been discussing the matter for an hour,

and he hoped they would be allowed to proceed to Business.

MR. O'DONNELL: I shall not detain the House very long; but I wish to point to one or two observations made by the Chancellor of the Exchequer. When the right hon. Gentleman refers to a number of Government Bills, and to his desire for getting through these Bills before he can consider the question of granting a day for this important Irish measure, and when he allows other determined opponents of justice to the Roman Catholics of Ireland to exercise the time of the House in the discussion of these Government measures, so as to make it impossible for them to grant a day, I think we have a right to assume that there is little probability of our obtaining further facilities. For all we know of the extreme violence—I would add, virulence—of the anti-Christian party of this country, there cannot be the slightest doubt but that they will be able to bring sufficient influence upon probably well-meaning, but susceptible, Members of the House, to use the time of the House in what may be considered legitimate discussion. The Government will, doubtless, give them the opportunity which they require, and which may render it impossible to deal with the subject of University Education. Whatever may have been the charges brought against me on many occasions, I have certainly no desire on this occasion to address the House in language which may be considered, in the slightest degree, aggravating. I may, in my conduct, have shown a disposition slightly to amend and alter a Christian precept, and to have asked the House to do unto others as they would do unto us. But, on the present occasion, I am singularly disposed to act in the most conciliatory manner towards the Government and Opposition; but I cannot conceal from myself that there is a resolute determination to refuse justice to the Roman Catholics of Ireland amongst an influential party in this country. In reference to the suggestion, I have only one other observation to make. It is too commonly reported—and I am afraid too commonly believed—that this demand for denominational education in Ireland, for Catholic education, for freedom of Catholic education in Ireland, for liberty and equality of education, is a mere sacerdotal and episcopal demand,

originating in, and supported by, the priests. It is said that the Catholics of Ireland are merely moving like a drilled battalion at the command of their episcopal commanders-in-chief. I beg to say that nothing of the sort is the case. No man reverences more than I do the Catholic clergy and hierarchy of Ireland; but I, as a Catholic Member of the House, take upon myself the responsibility of saying that, if there were a hesitation, if there were a variation, in the attitude of the Catholic Bishops and priests of Ireland, with regard to the absolute necessity of the Catholic education of the Catholic people of Ireland, dearly as the people of Ireland love their faithful pastors, from that day a gulf would be fixed between the people and the clergy. If, by an impossible and monstrous hypothesis, the Catholic clergy and Bishops of Ireland were to be in favour of secular education, they might go to Zululand, they might go to Patagonia; but a new class of priests and Bishops would have to appear in Ireland to resume the unbroken traditions of Catholic Ireland. That is, as I have said, a monstrous and impossible hypothesis. The priests and the people are united on the subject; but I beg to assure the House that the question of Catholic education in Ireland is a layman's question. If the present moderate demand of the Irish people is refused, the Catholic laity of Ireland will take it up with determination, and there is no doubt as to what will be the result. Supposing there is any irresolution on the part of the clergy, the laity will insist that the Irish people shall receive an education which will fit them for the combat of life, for progress in every department of the world's affairs, in conformity with the conscience, the hereditary instincts, and the glorious traditions of the Catholic people of Ireland, who look back upon 45 generations of Catholic ancestors.

THE MARQUESS OF HARTINGTON: I must confess there appears to me to be hardly sufficient cause for the expressions of despair and irritation which have reached us from a certain quarter of the House. If hon. Members representing Irish constituencies will consider the position of this Bill, I think they will be obliged to acknowledge that they have cried out before they are hurt. I really cannot remember any

Bill of similar importance to the Bill which is before us having made such rapid progress. If they will take the trouble to consider the matter, they will find that it was only introduced by the assistance of the Government on this day last week, and it has already received a considerable amount of discussion on the second reading. I rose yesterday, immediately upon the adjournment of the debate, to press upon the Government the expediency of making some arrangement as to its resumption; and I do not think that anyone will suspect I am indifferent to the importance of the subject, or that I have refrained from impressing the importance of it upon the notice of the Government. I think that the Government, upon further consideration, will see that it is not only desirable, but absolutely necessary, that a question which has excited so much attention as this, not only in Ireland, but also in England, and in this House, should receive further and full consideration before the close of the Session. The reason for this was given by the hon. Member for North Warwickshire (Mr. Newdegate), and the hon. and gallant Member for Galway (Major Nolan); and I hope the opportunity will be afforded before we arrive at a late period of the Session. I do not detect in anything which fell from the Chancellor of the Exchequer an absolute refusal to give an opportunity for further discussion. I understood him to state simply the position of the Government Business, and to say, under these circumstances, it was not in his power to fix at this time a day for continuing the debate. The hon. Member for Roscommon (the O'Connor Don) has taken a proper and reasonable course in putting the Bill down for an early day after Whitsuntide, when the House and the Government will be able to see what progress they have made, or are likely to make, with some of the most important measures, and the Government will also have an opportunity of further considering the importance of this great subject, and the necessity of giving the Bill some further consideration. I really think that hon. Members from Ireland might wait, at all events, until after Whitsuntide, before they express their condemnation of the conduct of the Government; but, so far as I am able to judge, there is nothing which has fallen from the

Chancellor of the Exchequer to-night that in the slightest degree approaches an absolute refusal to give the consideration required on behalf of the Bill.

DR. WARD said, hon. Members had complained that the House had been taken by surprise in this matter, and that very short Notice had been given of the Bill. The question, however, had been before the House for the last 20 years. It had been brought forward by responsible Ministers of the Crown of opposite sides; and, under those circumstances, were they to be told that they were taken by surprise? Why, this Parliament had heard the arguments over and over again. There was no proposal in the present Bill which had not already been before the House. Surely the House had by this time made up its mind; and if the Government were in earnest in this business, it certainly must be within their power to give them a Saturday for the discussion of the subject. Hon. Members might say that if such a course was pursued the Motion would be against the Irish Members. But if that were so, often as they differed, he could assure the House that they would pass the Bill in a proper form. What he wanted to impress upon the Chancellor of the Exchequer was this—The right hon. Gentleman knew he would have to give in at some time, that he would have to sacrifice a day sooner or later. Let him, then, make the sacrifice graciously now. Give them a day—say a Saturday; that would not sacrifice the time of the Government, but it would meet the requirements of this Bill.

MR. PARNELL: I do not join in the belief that has been expressed by hon. Members that it is hopeless to try to pass the Bill. The hon. Member for Roscommon (The O'Connor Don) has adopted a courageous course in persevering with the measure for a while longer. At the same time, I do not agree that the Chancellor of the Exchequer has done everything that is required of him. The hon. Member for Roscommon has asked the Chancellor of the Exchequer to give a day for the resumption of the debate, and he did not ask for the day to be mentioned at the present moment, but what was the reply? The Chancellor of the Exchequer went over a long list of Bills introduced by the Government, and he pointed out how very few had been

passed, and the small amount of progress which had been made with others. We should have been children, did we not see that he did not mean to afford opportunity for the resumption of the debate upon this Bill. If the Chancellor of the Exchequer retains his present ideas, it is hopeless to suppose the Bill can be passed; and I see no reason why he should retain the unfortunate idea he has taken up. I will not prolong the debate; but I should not abandon the Bill hastily if the Government retain their opinion after Whitsuntide. We shall have had an opportunity of considering the matter, and we may take such measures as may seem desirable and necessary in reference to the subject.

MR. SHAW: I think we need not continue the debate further, especially after the appeal to the Government by the noble Lord. I shall, therefore, ask permission to withdraw the Motion.

Motion, by leave, *withdrawn*.

THE "HOME RULE" PARTY.

QUESTION.

SIR JULIAN GOLDSMID: I beg to ask the hon. Member for Cork County (Mr. Shaw) the Question of which I have given him private Notice, Whether we may in future look to him as the Leader of that section of the House below the Gangway, called the Home Rule Party?

MR. SPEAKER: The Question of the hon. Baronet does not refer to any Bill or Motion before the House, and cannot, therefore, be put.

ORDERS OF THE DAY.



INDIA — EAST INDIA REVENUE ACCOUNTS—FINANCIAL STATEMENT.

COMMITTEE. [FIRST NIGHT.]

Order for Committee read.

MR. E. STANHOPE, in rising to move "that Mr. Speaker do now leave the Chair," in order that the House should go into Committee upon the East India Revenue accounts, said, that in making the usual Statement with regard to the finances of India he felt, looking to the numerous and intricate subjects with which that Statement must necessarily deal, and to the public interest

which the subject of Indian finance had recently evoked, that no one who had ever occupied the post which he had the honour to hold deserved more the consideration and indulgence of the House. But whatever might be about to happen in the course of the debate, he felt it to be his duty, in the interests of India, to make as clear and as impartial a Statement as he could, even if, in so doing, he should have to trespass for some considerable time upon that indulgence. No subject was more commonly discussed in the debates of last year than the difficulty which some hon. Members experienced in consequence of the changes that had taken place in the form of the Revenue accounts. At that time he had pointed out that these changes had been adopted in consequence of representations made in the House at different times as to the desirability of assimilating, as far as possible, the form of the Indian to that of the English accounts. It was, however, quite impossible to deny that there was a great deal of force in the arguments of some hon. Members; and, therefore, he had endeavoured to prepare a Statement in accordance with their views. And before leaving the subject of the forms of accounts, he would remark that the India Revenue accounts were, as usual, converted in accordance with the conventional system of taking 10 rupees to the pound. The main reason for this was convenience. Indeed, it would scarcely be possible in any other way to make the accounts really intelligible. It would, of course, be open to the Government to convert the accounts at the rate of exchange of the year; but that would prevent any possibility of comparison, and would cause great difficulty in the presentation of Estimates for a coming year, as the rate of exchange itself would be a mere guess. It would, also, be productive of inconvenience in other ways—for instance, if the Government should want to convey to the House a clear idea of the salary of a member of the Council, or other official, such salary would necessarily appear in varying amounts, whereas they all knew it was really a fixed payment in gold, quite independent of the rate of exchange.

He now came to the figures which it was his duty to lay before the House for the three years under review. The

accounts for 1877-8 showed a gross Revenue of £58,969,300, and a gross Expenditure of £62,512,400, leaving a deficit of £3,543,100. This result, as the House was aware, was mainly due to the famine in Southern India. It approximated so closely to the regular Estimate which was given last year that there was no need for him to trouble the House by dwelling upon the details.

The figures for 1878-9, as set out in the regular Estimates, showed a considerable increase on both sides of the account. As he explained last year, this was mainly due to the incorporation into the general accounts of provincial income and expenditure amounting to about £2,000,000, and on the Revenue side, also, to the proceeds of the new taxation imposed last year. The gross Revenue was accordingly taken at £64,687,000, and the gross Expenditure at £63,236,000, leaving a surplus of £1,451,000. When it was remembered that, in addition to the expenditure which he anticipated last year, they had had an enormously increased loss by exchange, and had paid £670,000 on account of the war in Afghanistan, this result did not compare unfavourably with that which was predicted last year, or with the Estimate which he gave in December last, based upon such information as the Government then had. It was then calculated that, after payment of the war charges of the year, the surplus would not exceed the sum of £600,000. The real surplus had turned out to be £1,451,000.

The finances of India had been terribly affected by the recent famine. The direct loss of Revenue, owing to this cause, was estimated at about £9,400,000, in addition to the loans to Native States and the cost of a railway constructed as a famine relief work. Altogether, the Government of India believed that the disbursements necessitated by the famine amounted to no less than £13,000,000, the loss to the country being still greater. From Mysore and Madras, in which parts of the country the famine had made such terrible havoc among the people, the Government had, he was glad to say, received the most conclusive testimony of the great good effected by the charitable funds so largely subscribed in this country. Houses had been restored, thousands of horses had been given or let on hire, seed had been provided, and

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looms, ploughs, and other implements furnished in numerous cases. From Mysore the Government learnt with gladness that the crops were in good condition, and that there was a prospect of a speedy return to the former prosperous condition of that country. From Madras, for a time, the accounts had not been so good, but recent rains had caused a great improvement in the prospects of the Province; while it had been found possible to discontinue relief works at the end of last year. The Government of India, therefore, in framing their Estimates for the coming year, were able to lay aside any considerable anxiety with regard to the two districts to which he had referred.

But one or two difficulties had to be surmounted. They had to provide for what he was glad to be able to call the late war in Afghanistan, and they had to meet the enormous loss which would be sustained in the operation of transmitting to this country the full amount of £17,000,000 required to meet all their home payments during the year. The actual payments on account of the war, which had been brought into the accounts of 1878-9, amounted to £670,000, which was considerably less than the sum at which his noble Friend the Secretary of State for India (Viscount Cranbrook) and he (Mr. E. Stanhope) had ventured to estimate it in December last—an estimate which was much criticized at the time. For the present year, the cost of those operations was estimated at £2,000,000. He had heard it said that this was an inadequate estimate, and that various high authorities shared this opinion. With all due respect to those authorities, he submitted that when their opinion was formed it was impossible for them to have correct data before them. The Government of India, who were responsible in the matter, had made that estimate, believing it to be a correct one, after full consideration of the circumstances in which they were placed by the position of affairs in Afghanistan, and the policy which was being pursued there. And, accordingly, it was arranged that a sum of £2,000,000 should, with the consent of Parliament, be advanced out of the Imperial Exchequer, no interest being payable, and re-payment to be made in the course of seven years; so that the Government of India would not only

have cash in hand for their immediate necessities, but would be able to reduce their remittances to this country by that amount.

The difficulty due to the Afghan War having been disposed of, there remained one other matter to be considered before the Estimates could be framed. He alluded to the import duties upon cotton goods. The House would recollect a famous Resolution in connection with this subject passed two years ago. In consequence of that Resolution, the Secretary of State, not only in his own name but in that of the Council also, sent a despatch to the Government of India, in which he said that, looking to the condition of their finances, he did not think it probable that they would be able then to achieve the repeal of the whole of the cotton duties, but in which he also pressed upon their immediate attention the necessity of dealing with those portions of the duty which were undoubtedly protective in their effect. Upon those instructions Lord Lytton immediately acted, issuing a Commission to inquire into and investigate the whole subject; and, in the meantime, he exempted from the duty certain coarse descriptions of cotton goods, about which there could be no doubt as to the operation of the duty. That policy was universally approved. Since that time the Report of the Commission had been published; but to judge from certain minutes which had been delivered to the House, it had not been fairly studied by everyone interested in it. What did that Report show? It showed—first, that the extent to which the duty was directly protective had been very much under-estimated, and that it was desirable to extend, at the earliest possible date, relief to the suffering branches of the import trade in those goods; and, secondly, that that part of the duties thus shown to be undoubtedly protective could be removed without any very serious loss of revenue. It then remained for the Government of India to decide whether they would attempt to maintain a limit which was logically indefensible and practically utterly impossible to maintain, and so keep up the sources of irritation that existed between England and India; or whether they would follow the lines of policy laid down by the Secretary of State in Council, commenced last year, and approved

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by that House, and extend the limits of exemption to all those portions of the duties that were distinctly protective. The Government of India chose the latter course, and what had happened since? A discussion had taken place in that House, and the course determined upon by the Government of India had been entirely approved by a vast majority. Whatever objection might be made, either in reference to the merits of the course pursued or to the mode in which it had been carried out, he was perfectly satisfied that the Governor General of India would not have sanctioned that course except in the belief that it was the best, under all the circumstances, for the interests of India.

He came now to the Budget of the year. Including, then, the whole of the war expenditure which could at present be in any way foreseen, but excluding, as he had throughout done, the capital expenditure upon productive Public Works, the figures for 1879-80 were as follows:—The gross Revenue was taken at £64,562,000, the gross Expenditure at £65,917,000; or, according to the calculation of net income and expenditure which had been placed in the hands of hon. Members, the net Revenue amounted to £43,623,100, and the net charges to £44,978,100, leaving a deficit for the year of £1,355,000. But if the Bill which his right hon. Friend the Chancellor of the Exchequer would introduce for the advance of £2,000,000 from the Imperial Exchequer became law, there would remain in hand a sum of £600,000 to meet any contingencies which might arise. Before he proceeded to attempt any general view of the financial position of India, it was right that he should call attention to the changes in some of the items of Revenue and Expenditure which the tables recently distributed would enable any hon. Member to follow as he traced them during the three years under review. Some of the principal variations which were to be observed were due to the great disturbing element of the famine in Southern India and the scarcity which prevailed elsewhere. The net proceeds of land revenue, for instance, were abnormally depressed in 1877-8, and they were largely swollen in the intermediate year by the arrears which had been collected in Madras to an extent beyond expectation. Although a small amount of

arrears had still to come in, the revenue under that head was almost restored to its normal condition. In the same way, the drought in Upper India seriously affected the proceeds from the Forests and from Excise; but under both those heads some improvement was expected this year. The receipts from Customs were more difficult of comparison, because of the changes in taxation and the reforms in the import tariff. Last year, mainly by the abolition of the sugar duties, but also by striking out of the tariff articles which yielded only an insignificant amount, and certain coarse cotton goods, revenue was sacrificed to the extent of £232,000. This year the exemptions from the protective import duty of all cotton goods containing no yarn finer than 30's and the changes in the tariff valuations involved a loss of £192,000, making a total of £424,000. In spite of this, and also of the very great commercial depression which had existed, some recovery had taken place in the Revenue. The net receipts from opium showed an extraordinary fluctuation. In 1878-9, they exceeded the estimate by no less than £1,584,000. In consequence of the abundant crop of 1876-7 the stock in hand in 1877-8 was very large. Owing to a reduction of the payments to the cultivators and a failure of the crop, the charges were considerably less; but the saving appeared in the accounts of 1878-9. It was altogether an exceptional year, and the Estimates this year, though very much lower, showed, when compared with ordinary years, the expectation of more than the average receipts. The new taxation recently imposed, and which could be traced in the accounts, partly under the head of assessed taxes and partly under that of provincial rates, was expected to bring in this year about £1,300,000; and there would still remain for future years a small addition for a portion of the famine cess in the North-Western Provinces, which had not yet been levied.

The salt revenue showed only a very slight increase. The rise which was to be noticed last year, as compared with 1877-8, was due partly to the rectification of an erroneous procedure in the accounts from Madras, and partly to the fact that in the earlier year traders held back in the expectation of the reduction of duty, which did, in fact, take place a few months later. The revenue

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was now in its normal condition, the recent reforms in the salt duties having produced no particular effect upon the net proceeds. But, even at the risk of keeping the House from subjects of more general interest, he was bound, in justice to the Government of India, to explain what had recently happened with respect to these duties. Last year, he had described at some length the various steps in the process of equalization, and showed how the great and scandalous barrier of the Inland Customs Line—at one time 2,300 miles in length—might very shortly, in consequence of the reforms which had been effected, be altogether dispensed with. This line virtually ceased to exist on the 1st of April last, with the exception of the Trans-Indus section, about 400 miles in length, which it would be necessary to maintain for a short time. The accomplishment of that great reform, accompanied as it had been by the abolition of the sugar duties, which operated as protective duties against our own and in favour of foreign sugar, could not but be regarded as a great step in advance. It had enabled the Government to get rid of the vexatious system of search, of the transit duties upon salt, and, in the case of four of the Native States, of all other local transit duties also. Although the arrangements with the Native States, which had been rendered necessary in consequence, were not yet in perfect order, they were working more smoothly than could possibly have been expected. As the House was aware, it was no part of the original scheme for the equalization of the salt duties throughout India to add anything to the salt revenue. Nor was the increase of duty imposed in Southern India intended to form part of the Famine Insurance Fund. It was intended only to enable the Government to get rid of the Customs Line, while it was expected that the revenue would be the same as formerly. It was now thought that, after deducting the compensation payable to the Native States, and the loss of revenue incurred by the remission of the sugar duties, the net results of the equalization were to cause a loss to the Exchequer of £48,000 a-year, at first, but that this would speedily be recovered by the increased consumption in many parts of British territory, and in some Native States. It was, of

course, too soon to form any confident opinion as to the effect of these measures upon consumption. Among the 130,000,000 of people to whom the duty and the cost of salt had been reduced, it was, naturally enough, expected to increase. And, accordingly, there had been a steady increase in the quantity consumed in Bengal. The amount which paid duty last year was larger than in any previous year. Among the 47,000,000 of people to whom the tax had been increased, it was necessary to watch the effect very carefully. The amount that paid duty in Madras and Bombay in 1877-8 was exceptionally large. Since that time the duty had been raised; but, in spite of the terrible losses of wealth and population which those districts had sustained, the consumption last year was only 3 per cent less than in 1877-8, and, with that exception, greater than in any previous year. As showing the effect of the spread of railways and other causes upon the price of salt, he might say that although in 10 years the duty on salt in Southern India had been increased 66 per cent, the price had only risen 20 per cent; and when hon. Members spoke of the oppressive nature of the tax, he thought they did not pay sufficient attention to the way in which it was collected—namely, by infinitesimal payments reaching over the whole year. It had been stated last year by a very high authority—he meant Lord Northbrook—that the tax which weighed least upon the people and caused least discontent was the salt tax. On the whole, he thought he might say that the great work of equalization had been accomplished without undue strain upon the people, and with remarkable success. It was an achievement of which Lord Lytton and his Government might very justly be proud.

Having detained the House, he was afraid, too long in considering some of the details of the Estimates, he had to ask its attention to a more general review of their financial position, and before coming to the special case of the present year it would tend to a clearer understanding if he dwelt for a moment upon the results of the last few years. He would take the five years ending with the 31st of March last, during which the present Government had been in Office, and the finances in India had

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been administered partly by Lord Northbrook and partly by Lord Lytton, because they served to illustrate very plainly the main causes of the difficulties with which they had had to contend. They had undoubtedly been exceptional years. The Government of India had first of all to deal with terrible famines. They had been forced to undertake public works to an exceptional extent for the relief of the suffering. And so far from the pressure of public opinion in England having always been to restrict that expenditure, it was notorious that it had sometimes been in the direction of a great, almost an unlimited, increase. The right hon. Gentleman opposite—the Member for Birmingham (Mr. John Bright)—for instance, actuated by the highest motives, pressed upon the Government the immediate investment of £30,000,000 in irrigation works. Then, in 1876, came the sudden fall in the exchanges. And all those difficulties had to be met with a revenue diminished by the recent repeal of the Income Tax. The result of those five years, excluding the proceeds of any new taxation, was a deficit of about £3,000,000 only. But what was the extraordinary expenditure of those years? He was not going to mention the public works expenditure, although that was swollen to an unusual degree by the demands of the famine, because it was not a new policy, but one long accepted and pursued, and it was, undoubtedly, to some extent at least, under the control of the Government of the day. Limiting himself, therefore, to extraordinary expenditure, which arose from causes entirely beyond the control of any Government, what did he find? India had had to provide for famine relief no less than £12,000,000. She had found for net loss by exchange no less than £7,250,000. If he included the present year, the sum would be enormously greater; but, comparing it with the corresponding previous period, it would be found that it represented an excess expenditure of £5,500,000. So that those two items alone, both entirely beyond the control of the Government, had caused an extraordinary expenditure during this period of £19,250,000, or nearly £4,000,000 a year, while the realized deficit had only been £3,000,000, part of which had been met by increased taxation. Not

only did this seem to show a most creditable effort on the part of the Government of India to meet its engagements and reflected great credit on the Governments both of Lord Northbrook and Lord Lytton; but he confessed that after these figures it surprised him to be told that a war charge of £2,000,000 for the present year was the sole cause of any difficulty that existed. The Government had had great difficulties to contend with, and it had met them with vigour and very considerable success. But the great object of directing the attention of the House to this period was to show in a clear light to what an extent the two great and paramount difficulties of Indian finance were the uncertainties which were introduced into it—first, by the loss by exchange incurred in obtaining remittances; and, secondly, by the recurrence of famine. He would deal with those in turn.

He came first to the item of "Loss by Exchange," and at the outset it was, perhaps, desirable that the House should understand clearly what was meant by that term. The Government of India received its revenue in silver, and had, of necessity, to make very large payments annually in London in gold. According to the form adopted in the accounts, the rupee was taken at 2s.; but, as its value in London was now only 1s. 7d., a very much larger number of rupees had to be provided in India to make those payments in England. When he spoke of the rupee being worth 1s. 7d., he referred, of course, only to its value in relation to gold. The extent to which prices in India itself had been affected it was almost impossible to determine. Some thought that no appreciable disturbance of internal values had followed the fall in silver. But, however that might be, it was certain that the internal change was very much less than that which had occurred in the foreign exchanges. The gross loss by exchange—which was practically, therefore, the cost of obtaining remittances from India—appeared upon the face of the Estimates this year as £3,552,000. But, on the other side of the account, there was the item of gain by exchange, which mainly represented the gain of the Government of India in its transactions with the guaranteed railway companies under the contracts fixing the rate of remittances at 1s. 10d. per

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rupee. Deducting this amount, he arrived at a net loss by exchange of about £3,500,000. It had recently been frequently stated that this was an exaggerated statement of the real loss sustained by the Government of India. Well, of course it was. He was careful to explain last year—and his noble Friend and Predecessor (Lord George Hamilton) did the same—that that amount, being calculated according to the conventional system adopted throughout the accounts of reckoning 10 rupees to the pound, did represent more than the actual loss. That had always been obvious to anyone who examined the accounts of the Indian Government. There was no mystery in the way of calculating the loss by exchange, and he would endeavour to explain the matter as simply as he could, taking arbitrary figures for the purpose. To remit £100 at 2*s.* the rupee, 1,000 rupees were required. To remit £100 at 1*s.* 7*d.* the rupee, 1,263 rupees were required. That was to say, the loss was represented by the excess number of rupees required to be sent home at the rate of 2*s.* the rupee; and, therefore, the sterling loss was 263 multiplied by 2*s.*, or £26 6*s.* That being the principle upon which the loss was calculated in the accounts, he would now try to state, not what the loss this year was according to the conventional system of taking the rate of exchange at 2*s.*, but what it was compared with the average rate of exchange for some years past, which was certainly not less than 1*s.* 10½*d.* Taking the whole amount of the remittances required to meet the Home charges this year, and taking the rupee at the rate of 1*s.* 7*d.*, as compared not with 2*s.*, but with 1*s.* 10½*d.*, he arrived at the result that the real loss to India on the total amount of the remittances that ought to have been made this year would have been £3,130,000 sterling. As they only proposed to remit £15,000,000, however, the real loss would be £2,750,000. But the point to which he especially desired to direct the attention of the House was, not so much the actual amount of this loss, as the great and recent increase of expenditure under this head. For the four years before the heavy fall of silver in 1876, the net average annual loss to the Indian Exchequer upon the face of the accounts was £432,000. In the four years since

that time, it had been £1,920,000. This year it was in the same way, and, as he had already explained, £3,500,000. Speaking of this evil in 1876, when it was far less serious than at present, the late Mr. Bagehot, whose authority everyone in that House would fully recognize, said—

“So grave a misfortune has seldom happened to any Government so suddenly and so completely from causes out of its control. . . . The great peculiarity of the case is the position of the Indian Government, which has so great a burden so rapidly thrown upon it, and is so little able by additional taxation with equal rapidity to find means to bear it.”

Again, it was said that the Indian Government was to some extent compensated for this by the increased purchasing power of its gold in this country. What the effect of that had been he was not competent to discuss, and the subject was too intricate to enter upon at the present moment; but it was clear that the gain could apply only to a very small proportion of the whole remittances of the Indian Government to this country. After all, however, they were really not concerned in calculating what the exact amount of real loss might be. He had only to guard against the idea that it was necessary to exaggerate it in order to prove its gravity. Taking it at £2,750,000, or what they liked, the worst difficulty of all was the disturbing effect which it had suddenly exercised, and continued to exercise, upon all the calculations of the Government of India. What a discouragement to all careful and prudent estimates on the part of the Government of India, when the rise or fall of 1*d.* in the exchange from causes wholly beyond their control might put a totally different aspect upon their financial position! It was, in such circumstances, as the Government of India said—

“Extremely difficult to follow any settled financial policy, for the Government cannot even approximately tell what income will be required to meet the necessary expenditure of the State.”

Of course, it had not been the only disturbing element in their calculations. Famine had been another; but, even for that, some definite idea of the average annual expenditure over a term of years had been arrived at. Then there was the direct loss sustained by all Europeans in the employment of the State,

who, being in receipt of fixed salaries, had to make remittances to this country. And, lastly, there was the injury to trade. No doubt, there was great difference of opinion as to the precise effect of these fluctuations in exchange upon the trade of India. Into that question it was not necessary to enter; but hardly anyone would deny that with these fluctuations in exchange trade transactions must necessarily be of a speculative, not to say a gambling, character. No ordinary amount of margin would make a merchant safe, and the result was that day after day men withdrew themselves from Indian business, and invested their capital in enterprizes where prudence and foresight were of more avail. In such circumstances it was only natural that the Government of India should have had the subject of the disturbing effect of these fluctuations in the exchange under their careful consideration. And very recently they had addressed to the Home Government a proposal which they believed, if carried out, would remedy the evil. As soon as that despatch was received, however, it became apparent that it could not be discussed with reference to the interests of India alone. Accordingly, not only on account of the importance of the subject, or the weight to be attached to the opinions of those who had put it forward under a deep sense of responsibility, but also because of the other great interests involved, which it was equally their duty to watch over, the Government decided to refer it to the careful and detailed examination of a small Committee. At the outset, it appeared that there were certain points on which it was impossible to arrive at anything like a positive conclusion. To what extent the present disturbance was due to the depreciation of silver, or the appreciation of gold; whether the balance of evidence pointed, on the whole, to a long continuance of the present disturbance, or whether they might hope within a reasonable period for the establishment of a more fixed ratio between the precious metals; when and how the German Government would dispose of any surplus of silver it might possess; and what would be the policy of the Latin Union—these were questions which it was only necessary to mention to show the gravity of the considerations involved. The opinion of the Committee

having been received, and the Government having had time to examine the proposals of the Government of India, as regarded their suitability to the peculiar circumstances of India, as well as in all their other bearings, they had arrived at the conclusion that it would be impossible to sanction them, and a despatch to that effect would shortly be sent to India. They recognized fully the motives with which those proposals were put forward; they sympathized cordially with the difficulties for which they were suggested as a remedy, and they felt that in spite of that decision, no Government, of whatever Party, could cease to give the subject a watchful and constant attention. The result of that decision was that the loss by exchange, whatever it might be, must be manfully faced.

Then there came also the difficulty of famine. The House was well aware that last year the Government of Lord Lytton first took practical steps for the provision of an adequate surplus revenue to meet the average annual sum required for famine expenditure; and as the nature of their proposals had been somewhat misrepresented, it might be well to state exactly what they were. The conclusion arrived at by Sir John Strachey, after a careful review of the finances, was that, in order to place them in a perfectly sound condition, it was necessary to provide for a clear annual surplus of £2,000,000—to assist in which he imposed certain new taxation, which last year brought in £1,200,000. Of these £2,000,000, £500,000 was the normal surplus of income over expenditure, which every Government, like that of India, ought to provide in order to meet any contingencies that might occur, and £1,500,000 was to be devoted to the relief and prevention of famine. It was at the time urged by some people that the sum so raised should be formed into a separate fund, with a separate account; but Sir John Strachey pointed out the difficulties of such a course on the 9th of February, 1878, when he said—

“With all my desire to see the pledges maintained that we have given, as to the application of a sum not less than £1,500,000 as an insurance against famine, I think it would be irrational, in many circumstances that I can conceive, to object to the temporary diversion of any necessary part of the revenue from this purpose, with the view of obtaining relief which might be no less urgently required than that which experience has taught us to be requisite

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in meeting famine. . . . Without thinking of a future far removed from us, events might, of course, happen which would make it impossible even for us who have designed these measures to maintain our present resolution."

So, at the time this fund was established, ample notice was given that, in extraordinary circumstances, it might be necessary to suspend its operation. It was hardly possible to conceive how it could be otherwise. Suppose an insurrection — which God forbid! — or any other cause of extraordinary expenditure, they must either have new taxation, or they must suspend the operation of this system. In England they could at once impose new taxation to meet the difficulty; but in India they could not adopt any such course, and the only alternative was the temporary suspension of the arrangements for a surplus. The ultimate results of the arrangements for famine insurance were to be as follows: —It was estimated that the expenditure upon every 10 years famine relief was £15,000,000. Apply £1,500,000 annually to its relief and prevention, or the diminution of debt, and at the end of the 10 years you would have met all your estimated expenditure upon famine, without any addition to the debt. The precise mode of applying this sum to these objects was a matter of much difficulty. It had been the subject of much correspondence; but the final conclusion arrived at was that one half of it was to be held available for remittance to this country in discharge of our gold debt, and the other half was to be appropriated to the extinction of debt in India, or to the construction of Public Works designed to ward off, or to afford material assistance, in the event of famine, or which would guard against future outlay in relief. Well, last year the Government of India did pay in famine relief £550,000, and they provided at the end of the year a surplus of £1,450,000. It was perfectly true they were unable to make any remittance to this country in reduction of the gold debt; that under the state of exchange it was perfectly impossible to accomplish, and the result was that the £1,450,000 remained in the cash balances. This year the very contingency contemplated by Sir John Strachey had arisen; adverse circumstances had to be dealt with. The consequence was that no surplus was provided upon the face

of the Estimates; and the Government of India frankly told them why. While the subject of the exchanges was under special consideration, they did not feel justified in imposing new taxation, or in adopting other steps which might, after all, prove to be unnecessary; but now that a decision had been come to, an endeavour must be made to balance income with expenditure. They had, therefore, to provide for the full loss by exchange, and also to obtain that surplus of income over expenditure which was admitted to be necessary.

There was an estimated deficit of £1,355,000; but if only the state of exchange had been a little more favourable there would have been a large surplus. But, in addition to that deficit, they had not made provision in the Estimates for the £1,500,000 for famine insurance, nor for the further small surplus required to meet contingencies. The result, therefore, was that, speaking roughly, the total deficiency of the year amounted to £3,250,000. He did not forget the increase of debt to be made, in addition. That he would deal with presently. For the moment they were considering only the deficiency shown upon the Revenue and Expenditure of the year. Of this sum of £3,250,000, £2,000,000 was on account of the war, which was an entirely exceptional expenditure, and it was proposed, not unreasonably, to borrow it from the Imperial Exchequer, and to repay it by instalments. Putting that aside as extraordinary expenditure, he arrived at the conclusion that the excess of ordinary expenditure over ordinary income, after fulfilling all pledges and providing for all liabilities, was £1,250,000. It could not be said that that was a satisfactory state of things. It was caused, undoubtedly, by a combination of adverse circumstances; but it was a state of things which, although it was not satisfactory, need not, in the smallest degree, alarm them, for India had surmounted equal difficulties, and would surmount them again. But the House would not be satisfied with any such general assurance; and it would desire to consider how the equilibrium between Revenue and Expenditure could best be re-established. That was the view taken by the Government of India also, and the state of affairs had formed the subject of anxious consideration at home

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and in India. The conclusion arrived at was that the first step to be taken to overcome the difficulty was a large reduction of expenditure. That reduction of expenditure was to be not only a theory, but also an established fact. The task was a difficult one, and Lord Northbrook, in speaking of it last year in "another place" said—

"Although he thought something might be done in the way of reduction of expenditure—and he was satisfied that the Government of India were not neglectful of any opportunity that might occur for effecting reductions—he did not think it likely that the cost of the Government of India could be very considerably diminished. Whatever savings might be made in one direction would be met by the increasing demands for improvements of different kinds throughout India."—[3 *Hansard*, ccxlii. 1160.]

In spite of that somewhat discouraging opinion, the Government was determined to make the attempt; and they considered that the reduction should be applied to more than one branch of expenditure. And if the House would allow him to trespass upon its attention, he would take in turn each principal head of expenditure.

First came the Civil charges, in which—looking to the increased demands which would be necessarily made upon them, as improved government extended itself in India, and by the growing intelligence and civilization of the people—there was a natural tendency to increase; and if they were to attain that most desirable object of reducing their military expenditure, it could only be by renewed efforts to promote the contentment and happiness of the people. And if any attempt were made to raise that great question whether it would be possible, after giving full consideration to all vested interests, to revise the future scale of civil salaries and pensions—which he admitted to be well worthy of attention—they should not forget the grave dangers which they might incur if they failed to attract to their service in India the same class of zealous and intelligent public servants as were supplied under the existing system. But there was one means of reducing the Civil charges which had constantly occupied successive Governors General of India—he meant the increased employment of the Natives. Parliament had on more than one occasion deliberately held out such a prospect; it had been embodied in more than one Act of Par-

liament; and it had been the declared policy of the country for more than 40 years. But the efforts to put it into practice had been spasmodic, unsystematic, and altogether incomprehensible to the mass of the Native population, while the great increase which had taken place in the number of Europeans in some branches of the Public Service, and various other acts, might have seemed to them to be in partial violation of this policy. It could not be denied that, whatever might have been the intentions of successive Secretaries of State, very little progress had been made in giving effect to it. But ever since his arrival in India, Lord Lytton had applied himself with characteristic vigour to its development; and, accordingly, it had now been decided not only that higher offices should be thrown open than those for which Natives had hitherto been eligible, but also that by diminishing the number of covenanted civilians sent out from this country, larger openings might be given to the employment of Native Civil servants. The process could only be a very gradual one. They must not forget that it was not a quarter of a century since our first systematic efforts had been made for the improvement of the education of the Natives; and so far as experience had hitherto gone, the higher class of administrative offices could only in exceptional cases be intrusted to Native officials; but he was quite sure that in the hands of one who had taken so much interest in the question as Lord Lytton, and who felt so strongly the political importance of associating the subject-race with ourselves in the government of the country, this great reform would be pushed on as quickly as was consistent with prudence. A long time must, however, elapse before any great diminution of expenditure could be looked for from this source. But, quite recently, another practical step had been taken in this direction under the head of Civil charges. The central establishments were to be overhauled and curtailed. The arrangements with the Provincial Governments were to be revised, care being taken, on the one hand, not to interfere with the policy, so successfully inaugurated by Lord Mayo, of extending the power and responsibility of local governments, and, on the other, not to create the necessity for any further local taxation. There could be

little doubt that the general effect of these measures would be to effect a considerable saving, which was estimated by the Government of India at about £250,000 a-year.

The second great head of Expenditure to which he would call attention was that of Public Works, which was necessarily a little confusing, because it included the expenditure upon productive Public Works, which was treated as capital; secondly, the results of that outlay; and, lastly, the ordinary expenditure upon Public Works paid out of Revenue. He would deal first with the capital expenditure upon productive Public Works. Now, it was very constantly alleged by those who had not looked closely into the matter, that this class of expenditure had largely increased of late years. It would not be difficult to show that this was not the case. Again, its nature was not always fairly described. The hon. Member for Hackney (Mr. Fawcett) often tried to insist upon its being treated as part of the ordinary expenditure of the year. Its real nature was that of an investment of capital, which was hereafter to bring in a return, and whether that investment was made by guaranteed companies or by the State itself was very much the same thing. In order, therefore, to form a correct estimate of the sums spent upon the construction of railways, they must add the expenditure of capital by the guaranteed companies to that of the State. Calculating in this way, he found that in the 20 years following the Mutiny the capital invested in railways alone averaged about £5,000,000, besides what was spent upon works of irrigation. But the House was aware that, for some years past, the system of constructing railways under the guarantee system had been superseded; and now all railways, as well as irrigation works, were constructed under the direct agency of the State. Those of them which were expected to be remunerative were classed as extraordinary or productive, as distinguished from ordinary works to be paid for out of revenue—a classification which, so far from having originated with the present Finance Minister, dated as far back as the time of the right hon. Member for Tiverton (Mr. Massey), though it had since undergone considerable modification. The capital expen-

diture upon productive Public Works amounted in 1877-8 to £4,791,000, and in 1878-9 to £4,599,000. But in these years the expenditure was abnormally swollen by the necessity of finding labour for the famine-stricken population of Southern India, and of pressing on such works as would immediately contribute to their relief. The Budget Statement of the Government of India showed that this year the capital expenditure upon railways and irrigation works was reduced to £3,500,000, being £1,100,000 less than last year, the chief reduction being under the head of railways. And now, before attempting to lay down any general principles as to the prosecution of these public works, it would have been highly desirable to have been able to place before the House some idea of the results derived from those which had been already constructed. But he was in this difficulty. This very point was under the special consideration of a Committee up-stairs, which was engaged in considering a comprehensive Report, laid before them by his noble Friend the Vice President of the Council. He would not for a moment venture to steal any of the facts, or to forestall the Report, which had not yet received the sanction of the Committee. Upon that point the House must be content to wait for further information. But there was one way in which, he thought, he could give to the House some idea of the results obtained for all the works hitherto constructed, including those made by the guaranteed railway companies. Large sums of money had been borrowed for this purpose. And, therefore, he thought it would not be uninteresting to the House if he endeavoured to explain, first of all, the precise position of the Debt of India, and, secondly, the effect produced upon that Debt by the system of constructing Public Works. The Debt of India amounted, on the 31st of March last, to very nearly £139,000,000 sterling. Of this amount £52,250,000 was borrowed before the Mutiny, £37,750,000 was added at that time, or, it might be said generally, in consequence of it, and the remaining £49,000,000 had been incurred since, or at the rate of rather more than £2,500,000 a-year. Now, he desired to analyze that sum of £49,000,000, and see to what it was due. Some im-

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portance might be attached to this investigation, because, although it was quite true that the Debt of India was increasing, the causes of that increase were very often misunderstood. Well, of that amount £4,500,000 were raised to redeem the capital stock of the East India Company, which had been an exceedingly profitable operation to the Government, and had saved £450,000 a-year; £14,500,000 had been borrowed for famine relief, and was, undoubtedly, a dead weight charge upon the finances; and £24,000,000 had been raised for other purposes, and which certainly could not be so described. He found, as a set off against that sum, that during the same period they had advanced as loans to municipalities and Native States for the relief or the prosecution of useful works, upon all of which they received interest at an average rate of $4\frac{1}{2}$ per cent, the sum of £8,250,000; and £33,500,000 had been invested in productive Public Works, which, if not remunerative in what he admitted to be the proper sense of the term, did, at any rate, pay some interest upon the capital invested in them. The result was that, of the whole amount of Debt raised since the Mutiny, only £14,500,000 was entirely unproductive. But, in addition to this sum of £139,000,000, they had borrowed through the agency of the guaranteed companies about another £100,000,000, upon which they had guaranteed interest at the rate of 5 per cent. They had, therefore, to pay interest upon a capital sum of £239,000,000; and the point to which he desired to direct the attention of the House was, that while the amount of this Debt had steadily increased, the charge for interest upon it had steadily diminished. And, in order to make a comparison fair to the results of these works, he did not for the moment take into account the recent fall in the exchanges. But 10 years ago the charge for interest upon the general Debt, upon the debt incurred by the guaranteed companies, and by the State for Public Works, amounted to £8,094,000. This year it was £5,750,000, showing a reduction of £2,340,000. That was a very remarkable diminution. Of this £500,000 was due to reduction in the rate of interest, and the remainder was due to the increased productiveness of the railways. Although he could not suppose that equally good results were to be antici-

pated from the development of the railways and irrigation works constructed by the State, this he would say, that the total abandonment of Public Works would be about one of the greatest evils which could befall India. That was not the time to enter fully into the discussion of all the beneficial result which had accrued to India from the construction of those works; but he thought that the financial results alone justified the position which the Government of India had taken upon this question—namely, that it was right to proceed with these works, but in a cautious and prudent manner. He thought, upon the whole, that the expenditure under this head might have been somewhat in excess; but they should never forget that the smallest access of famine might, indeed would, create an enormous demand for Public Works. The pendulum swung now in one direction, it might swing in the opposite directions in a few months. The one essential point, therefore, as he submitted to the House—a point far more important than the precise amount of this expenditure—was to take a prudent and far-seeing estimate of the future, and to fix upon a limit which, looking to the demands likely to be made upon them, it was desirable to establish and to maintain over a series of years. Of all things, the most desirable was a settled policy—fix the limit where they would, but endeavour to maintain it when fixed. In the opinion of the Secretary of State in Council, the principle upon which that limit ought to be fixed was this. Ever since Lord Salisbury had laid down the rule, the principle had been maintained—though in practice it had been somewhat departed from—that money required for Public Works should be borrowed in India, and not in England. To that principle they still gave a most unhesitating adherence. That being so, the limit for Public Works, they thought, should be fixed according to the amount which the Government of India could fairly be expected to borrow in India in an ordinary year without undue disturbance of the money market. That amount had been ascertained to average £2,500,000, and, therefore, they had decided that the limit of expenditure on Public Works ought to be £2,500,000. It was not without great regret that they would abandon a great many Public Works

which it had been their desire to push on; but they felt, under all the circumstances, that it was necessary to make a considerable sacrifice, and they were therefore prepared to make it. As compared with last year, it was a reduction of more than £2,000,000. Of course, the whole of the reduction to be effected could not be made for a short time, looking to the contracts they had already entered into. He had now a word to say on the Public Works ordinary. These works were not only roads and civil and military buildings, but also such railways and irrigation works as were not directly remunerative, but were, nevertheless, considered to be necessary; and it included, also, the cost of working and of maintenance. Upon these works the Government of India were of opinion that a great reduction could be made. No new works were to be undertaken, even if already sanctioned, without the special consent of the Supreme Government; a rigid investigation was to be made into the necessity for them. Establishments which were excessive were to be cut down. In the result, it was anticipated by the Government of India that an annual saving of £750,000 would be effected.

He now came to the head of Army Expenditure. The net charge for the Army was about £14,500,000; but that did not include the whole of the cost, because the expenditure on military buildings, about another £1,000,000, was taken under the head of Public Works. Last year that amount was, unfortunately, exceeded, partly owing to the increase of prices, and partly owing to other circumstances over which neither the Government of India nor the Home Government had any control. The House was hardly aware of the extent to which the increased cost of the Army was owing to recent legislation or to circumstances over which the Government had not any control at all. Whenever a reduction of expenditure was spoken of, the economical eye fixed at once on the Army accounts. The hon. Member for Orkney (Mr. Laing) said, the other day, that retrenchment in India meant reduction in the Military Expenditure. Therefore, he need scarcely say, they had not overlooked the matter. It might be said that during the war, which he hoped was now brought to a happy and successful termination, it was difficult

for the Government of India to attempt any reduction, and that, even on its conclusion, some additional expenditure would be necessary. That was a controversial matter, into which he was desirous not to enter. But, at the outset, he wished to say that the Government did not look forward to being able in any way to reduce the British garrison in India. That was a question which must be considered and decided upon grounds of which the financial constituted only one of the elements. But the Government of India did believe that reduction of Military Expenditure was possible, and they had considered how it was to be done. And accordingly, with the consent of Her Majesty's Government, a Commission of civil and military officers was about to be appointed to inquire in India into the organization and expenditure of the Army, placing before that Commission certain special points of inquiry which had been the subject of recent correspondence, and directing their attention particularly to the reduction of expenditure, where it could be accomplished without loss of efficiency. One member of the Commission would represent the English Army, and would be nominated by the Secretary of State. Of course, it was impossible for him to give to the House any indication of what the results of that inquiry might be. But the Government of India believed that they would be substantial, and they were satisfied that it was the only way in which a successful reduction of Army Expenditure could possibly be accomplished.

Having dwelt on the three great heads of Expenditure, the House would now allow him to turn to the Home charges generally, which formed, probably, the greatest difficulty with which the Government had to deal. In any circumstances, the remittance to this country of £16,000,000 or £17,000,000 in a year must be attended with risk. These charges had very considerably increased; but their real rise dated from the Mutiny. The right hon. Gentleman the Member for the City of London (Mr. Goschen), in his admirable Report upon the depreciation of silver, pointed out that the full effect of those charges, though they had previously increased, was only recently felt. While railways were being constructed on a large scale in India

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under the guarantee system, the money raised in England was paid into the hands of the Government here, and was applied in reduction of the remittances. But after 1871, when that mode of construction practically ceased, they suddenly jumped up to £10,000,000, and were now £15,000,000. The practice of denouncing those charges as extravagant had led many to suppose that the Home Government had drawn enormous sums from India and recklessly squandered them in this country. An examination of the real state of the case would dispel that idea. The total amount of Home Expenditure, exclusive of mere banking operations, was about £15,000,000 a-year. Of that sum, the interest on Debt, guaranteed interest, superannuation, and furlough allowances—all practically fixed charges—absorbed £11,250,000; the effective charges for the Army, £1,000,000; stores supplied on demand of the Government of India, about £2,000,000. This last would undoubtedly, now that the Public Works Expenditure had been cut down, be diminished. But the whole cost of administration in England, which was practically the only amount under the direct control of the Secretary of State in Council, was £275,000. He was not going to argue that that amount could not be reduced—possibly it could be; he was only now endeavouring to point out the smallness of the sum. But the hon. Member for Hackney did not hesitate to charge the Home Government with the most reckless extravagance. In a recent article, the hon. Gentleman said—"The examination of the Home charges will at once show that a year never elapses without various acts of extravagance being committed." That was a serious charge. The hon. Gentleman went on to say—"I might quote innumerable instances," and, accordingly, he gave two instances. But, unfortunately for the argument of the hon. Gentleman, it happened that in both instances the charges were fixed by Act of Parliament. Now, upon these facts it was quite obvious that, without gross injustice to individuals, which he was sure no one would desire to perpetrate, it was impossible to hold out any great hope of a large and immediate reduction of those charges. But they had received many suggestions on the subject. Quite recently, he had seen it proposed that they ought to pay their pen-

sions in silver. Independently, however, of the fact that any such change could have no immediate effect, it was perfectly obvious they might, by so doing, run the risk of discouraging a great many excellent persons from entering the Public Service at all. All he could say as to the Home charges—and he knew he could speak not only for the Secretary of State, but for his Council, who felt deeply their responsibility in this matter—was that they would lose no opportunity of reducing them as much as possible. The House was already aware that the effective charges of the Army had recently been settled for all past years on a basis which involved a considerable concession to India, and, as regarded future years, the subject was now being considered by an able Committee, of which Lord Northbrook was the Chairman.

Summing up these figures, he arrived at the conclusion that, independently of the results which might be produced by the Army Commission about to be appointed, and independently of a reduction of the expenditure on productive Public Works to the extent of £2,000,000, they would have improved their position by the reductions of which he had spoken by £1,000,000 a-year. The House would not expect him to say, then, what proportion of that reduction they might expect to realize in the present year; but, under favourable circumstances, he fully believed that they would be able, at the end of the year, to establish an equilibrium between their income and expenditure, and to provide for every possible claim upon them.

But then they were told that the position must be eminently unsatisfactory, because of the large amounts which they were about to borrow in India and in England. In the article he had already quoted, the hon. Member for Hackney left, no doubt quite unintentionally, the impression on the mind that they proposed to borrow at once £15,500,000, and to increase the Home charges by £400,000 a-year, and that, therefore, a crisis was at hand. Nothing could be further from the truth than that. He would tell the House very shortly what they were forced to borrow. In the first place, India had to provide for the cost of the war. For that purpose they proposed to borrow £2,000,000 from England. That was a temporary loan, and

not in any sense an addition to their permanent Debt. Secondly, for the productive Public Works in India they proposed to borrow £3,500,000 this year. The policy of these loans might be good or bad; but the borrowing of a sum of money for the purpose of investing it in productive Public Works was no more a sign of insolvency than loans were which were raised in this country for improvements by the Metropolitan Board of Works or by the great town of Birmingham. Lastly, there remained the sum of £1,500,000, which was required to pay off the untransferred portion of the 5½ per cent loan which was just being paid off. That loan would now be entirely got rid of, and a saving to the finances of India of about £100,000 a-year would be effected. Still, no doubt, that £1,500,000 a-year was an addition to the Debt, and it was the only real unremunerative addition made this year. The cash balances had been reduced to an exceptional extent, first of all, by the great expenditure upon Public Works during the Famine, and then by the abnormal demands made upon them for advances in connection with the war. They in England could hardly realize the difficulty of transporting treasure in India. It became necessary, therefore, before the hot weather set in, to place an enormous sum of money in the Frontier Treasuries. That made an undue call on the cash balances, and reduced them to an amount lower than the Government of India considered safe. Accordingly, the amount to be borrowed in India was £5,000,000, and a loan was issued to that amount; £4,000,000 of that loan was accepted at 9½. Considering the present position of the silver market, the large amount of the loan, and the somewhat depressing articles and speeches to which the public mind had recently been subjected, he thought that was a very satisfactory result. Whether the remaining £1,000,000 would be obtained, he was not yet in a position to state; but if it were possible, they would undoubtedly endeavour to raise that sum also in India.

Then it was said that they were likewise proposing to borrow sums of money in England. He was afraid that when he brought forward his proposals a few weeks ago, the objects which he stated they desired to attain had been a great

deal misunderstood. It was alleged, in the first place, that they desired to raise at once a large loan. Nothing, in fact, was further from their intentions, and he distinctly explained to the House on that occasion that they hoped they might have to raise nothing at all in England, at any rate not in the form of addition to their permanent Debt. Then it was said that they desired to control the exchanges, and that the fact of their wanting a loan having somehow leaked out, a favourable effect had, in fact, been produced upon the exchanges. It did not at all surprise him that it had leaked out, considering that notice of his intention to apply for a loan was for six days upon the Notice Paper, and everybody might have known perfectly well that a loan was to be applied for. Undoubtedly, the main ground upon which his proposals had always been based was the difficulty in obtaining their remittances. But, certainly, they had also anticipated that some part of the loan, which was being advertised in India, might not be obtained, and that, therefore, they would have to borrow it in England. Then there was the sum which it would be necessary to borrow in order to offer stock to the shareholders in the East Indian Railway Company, who desired to commute the annuity to which they were entitled by the terms of the recent purchase. It would be out of Order for him to discuss this subject then, and upon careful consideration they thought that this might be best dealt with in a separate Bill.

Therefore, it was not necessary for them to borrow anything at all at the present moment; but the borrowing powers for which they asked had been so much misunderstood that he was bound to explain, as shortly as he could, the difficulty in which they were placed with regard to their remittances from India. In the time of the old East India Company not only was the amount to be remitted very small, but the Company always reserved to itself the right of bringing over the necessary funds in the manner it deemed best for its own interests, and did in fact do so, to a very great extent, by buying produce bills in India. Since the transfer of the Government to the Crown that plan had been given up, as being an operation hardly suited to the Government. Other modes, indeed, had been adopted. They

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had bought some gold in India, and transmitted it to this country. They had sometimes bought bills upon England—last year, indeed, they attempted rather a large operation in this direction, but with limited success, because the effect of it was to disorganize for a time the market for their bills at home. Practically, therefore, they were reduced to the mode of drawing bills upon India and selling them to the highest bidder; and although the amount offered varied, of course, from time to time, practically, the rule was to go on selling some of them weekly throughout the year. And this they did, partly because they were obliged to regulate their drawings so as to suit the convenience of the Government of India which had to meet them as they were due, and partly in order to accommodate their customers by letting them make their calculations with greater certainty. There were some who attacked this mode of proceeding altogether, and said that the Council of India were the most unbusiness-like people in the world, because, whether there was a demand for the commodity which they had to sell, or not, they went on pressing their bills upon the market, sometimes in increasing amounts when that demand was at its minimum, and forced down artificially the price by their own action. The answer was that they were obliged to do it, because they must have the money at any sacrifice. But it happened sometimes that they could not sell their bills at all, and what were they to do? The only remedy for such a state of things appeared to them to consist in having a certain reserve of borrowing power which enabled them to withhold their bills when there was no demand for them; and, considering the magnitude of their remittances, that reserve ought to be a large one. The House would bear in mind that after Parliament was prorogued there was an interval of six months, during which they were obliged to bring money home at the rate of £1,000,000 to £1,500,000 a-month—and if the demand for remittances were suddenly to cease, and they were unable to sell their bills even at any sacrifice, they would be left entirely without any means of paying their way. Therefore, after a very careful consideration of the whole case, and after consultation with those most competent to form an opinion upon its diffi-

culties, they had come to the conclusion that such a reserve of borrowing power was absolutely necessary. Looking, however, to all the altered circumstances of the case, to the recent slight improvement in the exchanges, and to the fact that the success of the Indian loan rendered any addition to the permanent Debt in this country, as they hoped, unnecessary, they thought that the borrowing power for which they asked need not be so large as they had previously anticipated. They had considered what was the smallest amount to which they could limit their demands consistently with safety. And here he might quote the opinion of Sir Thomas Seccombe, who after 50 years of service in the India Office still gave them the advantage of his ripe experience. Now, no man in England was more averse to borrowing in England, under ordinary circumstances, than Sir Thomas Seccombe. But, upon the whole, he now entirely concurred in the opinion which the Government had formed, that they could not, without danger, ask for any less sum than £5,000,000. Accordingly, when the proper time came, he would propose to substitute that amount in the Resolution now before the House. As to half of that sum, power would be asked to borrow it upon debentures.

And now, his case was complete. It remained only for him to thank the House for the kind attention which it had given. Whatever judgment might be formed upon the facts now put forward, they would not, as he thought, justify in any way the opinions of those who went about so loudly proclaiming the impending bankruptcy of India. Many facts pointed to a very different conclusion. Her external trade had doubled in 20 years. The gross receipts of her railways testified to the growing activity of her internal commerce. And though, like other countries, she was at present passing through a period of severe commercial depression, and struggling with the difficulties created by the fall in the exchanges, her credit was still high. Sometimes they might have been tempted to make too much of the riches of India. Let them not, under the influence of an unfounded panic, exaggerate her poverty. The future of India, God willing, might be a great one. It ~~was~~ grand

mission of the English people to insure it.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. E. Stanhope.*)

Mr. FAWCETT said, he had intended moving a Resolution, declaring—

"That this House regards with apprehension the present state of the Finances of India, and is of opinion that measures should at once be taken to reduce expenditure;"

but after the speech of the Under Secretary of State for India, he considered that his Resolution had virtually been accepted by the Government; and as on Indian questions he was always desirous that, if possible, there should be no entanglement between the two sides of the House, he should move a somewhat different Resolution from that of which he had given Notice. Accepting the assurance of the Under Secretary of State that expenditure would be reduced, and accepting also the declaration of the hon. Gentleman as one for which the Government would be held responsible, that that reduction would be carried out thoroughly and sincerely—in other words, that the declaration would not prove a mere empty promise—he should, at the close of his observations, submit a Resolution which, so far as he could see, it would be impossible for the Government to reject if they were sincere in their desire for economy. He should ask hon. Members to express their opinion—

"That this House, regarding with apprehension the present state of Indian Finance, approves the decision to reduce Expenditure."

It might be asked why he did not rest satisfied with the assurances which had been given by the Government, and why he proposed a formal Resolution? His answer was, that the Records of that House showed that there had been Vote after Vote in favour of an increase, instead of the reduction, of expenditure in India; and the reason was that the interests of India had been regarded as an abstract thing, and that the House of Commons represented the popular feeling which erred from the belief that India was an extremely wealthy country. It seemed to him, therefore, that a great deal might be gained by passing a Resolution which was intended, not to cen-

sure the Government, but to encourage them in the path which they had declared it to be their intention to pursue. While there was much in the speech of the Under Secretary of State with which he agreed, and though he was perfectly free to acknowledge the ingenuity and ability with which he explained his figures, there were, he thought, one or two remarks which he might just as well not have made. At the conclusion of his speech he referred to the loan in India, and he said that £4,000,000 of this loan, at 4½ per cent, had been taken up at 94½. This, he added, was not altogether satisfactory; but he thought it was so—and here was the sneer at himself—considering the alarmist speeches which had been made. But could the hon. Gentleman, he would ask, point to anything which he (Mr. Fawcett) had said in that House, or which he had written, which took an alarmist view as to the state of Indian finance at all to be compared with the opinions on the subject which were held by men of the highest position in that country, and even by members of the Council of the Viceroy? Mr. Whitley Stokes, a very good authority on the subject, had said that the finances of India were intolerably bad; and that it would be found, when we desired to increase taxation, that we had exhausted all sources of indirect taxation, and could only fall back upon the direct taxes, at the expense of producing much just discontent. There were still stronger expressions of opinion in the Minutes lately laid before Parliament, and which bore the names of men in high official position. He (Mr. Fawcett) had never spoken about the certain insolvency of India, nor had he ever believed in the insolvency of India. What, however, he had said was, that if the Indian Government was not checked in the course it was pursuing there was nothing else before it but financial insolvency. The truth of this remark had been abundantly proved by the Under Secretary of State himself—indeed, every single thing he (Mr. Fawcett) had ever contended for had now been more than conceded. When he spoke about the excessive expenditure on public works, he had never suggested, as the Government had done in a perfect panic of alarm, that they should suddenly cut down expenditure under that account from £4,000,000 or £5,000,000, to £2,500,000.

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MR. FAWCETT, resuming, said, that when the Bill for raising the loan came before the House, it would be possible to insert provisions defining the purpose for which the loan was granted; but still it was clear that India was about to borrow in one single year no less a sum than £12,000,000. It was said with regard to one of the £5,000,000 loans that £1,500,000 was to be devoted to paying off the balance of another loan; but it was to be remembered, at the same time, that, in order to enable the Indian Government to do with a loan of £5,000,000, it was necessary to reduce the public balances by £1,350,000. It might, therefore, be said approximately that India in a single year would borrow about £7,000,000, take authority to borrow £5,000,000 more. In order to obtain a real view of the financial condition of India, it must be remembered that this sum of £7,000,000 was required at a time when additional taxation had been imposed, for the purpose of providing India with a surplus of £2,000,000, of which sum £1,500,000 was to constitute a Famine Fund, and the other £500,000 was to form a surplus without which no Government in the position of that of India could consider itself solvent. Notwithstanding this, India at the present moment was not only without a surplus, but had to obtain advances to the extent of £7,000,000 in one year. It was, therefore, fair to say that at the present moment the amount of the Indian deficit could not be less than £9,000,000. But, in order to appreciate the grave issues which were associated with these proposals of borrowing, it was of the first importance to remember that this borrowing had not been accompanied by any attempt to raise a single shilling of additional revenue by taxation; but the Indian Government was surrounded with such sinister influences that in the midst of this exceptional borrowing they could not maintain the revenue already in their possession, and had been obliged to sacrifice a revenue of no less than £200,000. The Under Secretary of State said that if England had a great exceptional expenditure and had to borrow largely, such were the resources

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of the English people that it was easy to meet part of the exceptional expenditure by additional taxation. It might be easy; but, unfortunately, it was just the very thing the Government, of which the Under Secretary of State was a Member, did not do during the present year. They were afraid to meet exceptional expenditure by putting on a shilling of additional taxation, and there was no financial authority of repute out of the House who had not described the policy of the Government in that respect as a policy which was alike unsound and improvident. But unsound and improvident as was the English financial policy this year, what was the language which would accurately characterize the financial policy of the Indian Government, when, in the face of such large indebtedness, they not only made no attempt to raise additional revenue by additional taxation, but actually had not the courage to maintain the revenue already in their possession, and sacrificed a portion of the revenue raised from the import duties upon cotton goods, to meet a cry which had come from Lancashire? Even if it could be shown that these duties might be ten times more objectionable than they were said to be, yet, although it might be wise to remit them if there was a surplus revenue, it became the height of folly and imprudence to remit them under present circumstances; for what had really been done in India had been to borrow money in order to reduce duties which were probably paid with more satisfaction than any other duty in the whole fiscal system of India. The most extreme caution was necessary in reference to borrowing money in India. The Under Secretary of State had himself stated that it was not prudent to borrow more than £2,500,000 in India in any one year; but it was now proposed to borrow double that sum in the present year. The advance of £2,000,000, free of interest, by England to India, raised a question of greater financial importance than any proposal that for some years had been submitted to the House. It could be looked upon only in two ways—either as a gift or charitable offering, or a contribution which England was legally and equitably bound to make to India. If it were a gift or charitable offering, he believed it would be most mischievous. If, however, the

advance was to be looked upon as a contribution which England was legally bound to make, it was most inadequate in amount. Regarded in the light of the first proposition, he thought that if India was to come to England to relieve her from present necessities, both countries were starting on a path fraught with financial peril. They were told that the Afghan War did not concern India only, but that it was an Imperial question, and had been undertaken to maintain the influence of England both in the East and in Europe. The charge of the war, therefore, should be borne fully as much by England as by India. In advancing £2,000,000, free of interest, to be repaid in seven equal annual instalments, the amount of pecuniary sacrifice made by England in the loss of interest would be about £320,000; and if the Afghan War cost £2,600,000, as estimated by the Under Secretary of State, India would have to contribute £2,280,000 for an expenditure which was to maintain the influence and character of England in Europe. In other words, for every £1 contributed by wealthy England, £7 would have to be contributed by impoverished and embarrassed India. Whenever any spirited act of foreign policy was to be performed, in which the interests of England were involved, if England was only to pay £1 for every £7 paid by India, what an encouragement would be given to throw additional burdens on the finances of India! In consequence of this war, the Native Army had been increased by no less than 12 per cent. That additional expense must be borne by India; but, after all their boasting about what they were going to do for India, the result of their proposal would be that India should pay £7 where England paid only £1. He did not believe that the House of Commons would ever sanction such a proposal. Then, with regard to the loan of £5,000,000, to be raised in this country, the speech of the Under Secretary of State was halting and hesitating. He told them a Committee had been appointed to investigate the subject of the exchanges; but he did not tell them what the Government were going to do. He would, therefore, endeavour to explain what the Government intended to do with the £5,000,000 loan. They meant to become speculators in silver.

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What would be the effect of their affecting the price of silver? Their proposal was simply a temporary expedient in which they might succeed for a few days; but, in the end, their position would be worse than before. Every additional £1,000,000 borrowed in England would increase the Home charges, and they would thus be bringing into operation an influence which would make the exchanges still more unfavourable. Silver had become depreciated, and they had been heavy losers in consequence. Why? Simply because for years the Indian Government had been pursuing the perilous course of having the Revenue received entirely in silver, and perpetually increasing the payments to be made in gold. The proposal of the Government, instead of diminishing the payments to be made in gold, would still further increase them, and thus their position would be aggravated. It was said they should limit the coinage of silver in India, and introduce a gold currency. But that would still more unfavourably affect the value of silver, and would be looked upon, from one end of India to another, as a breach of faith with the people. It would be regarded as a roundabout way of trying to screw something more out of them in the form of taxation. The course to be pursued was simply one of common sense; but it was exactly the opposite of that now proposed. Every effort should be made to reduce the Home charges and to diminish the amount of remittances India had to make to England. Last year a Famine Insurance Fund was established, and various new taxes were imposed to create it. Among them was the licence tax, which was virtually an income tax of 5*d.* in the pound on incomes of not more than 4*s.* a-week. Every artificer, and even many labourers, had to pay that impost; but not a professional man, with his thousands a year, nor an officer of the Army, nor a civilian, not even the Governor General, with his £20,000 a-year, had to contribute a farthing to it. The only justification put forward for those extraordinary exemptions was that the proceeds of that tax should be solely devoted to the relief of Famine, and that it was only just that those who were to be thus relieved should provide the Famine Insurance Fund, and, consequently, the professional and civilian classes should

not be called on to contribute. That was a very sorry excuse for what was done. What would have been thought if this country were threatened with Famine and a Famine Insurance Fund were created, to which the poor should be made to contribute and the wealthy should be exempted, because the former class would be affected by the calamity and the latter would not? But even that plea had been entirely swept away, because not one sixpence of that Fund had been devoted to the purposes for which it was established. How could they, then, with common justice or decency, continue one hour longer those exemptions which made that tax the cause of so much discontent in India? It had gone forth throughout India, on the authority of some of the highest officials in that country, that revenue had been sacrificed, and that the solemn promises of the Viceroy had been disregarded, in order to meet the exigencies of English politics. He did not say whether that charge was true or not; but it had been made, and it ought to be answered. Lord Lytton declared, when the taxes for creating the Famine Fund were imposed, that not a single rupee which they yielded should be devoted to any other purpose than that to which they were pledged; and Sir John Strachey also said that no administrative reform, however necessary, no fiscal change, however wise, could justify the application of the proceeds of those taxes to any other object than that of relief from Famine. Notwithstanding those assurances, that money had been spent in paying the cost of the Afghan War, and in enabling the Government to remit £200,000 of the cotton import duties. That being so, he thought the first part of his Resolution was amply justified. It was not the question whether this or that individual was highly paid; but whether India had got the money to make the payments she now had to make. She must put up with inferior or different service; anything was better than growing financial embarrassment. The Under Secretary of State had fully admitted that there was only one remedy for the existing state of things—namely, the immediate reduction of expenditure. Economy was, undoubtedly, quite practicable. Let them look to the Army. Unless they were prepared greatly to reduce their expenditure on the Army,

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he believed that they would make no sensible impression in improving the financial position of India. The present Finance Minister for India said some three years ago, in a time of peace, that the military expenditure of that country was not less than £17,000,000 a-year. Since then it had increased by, at least, £1,000,000; and if something was not done, it would very soon reach £20,000,000, or more than one-half of the entire net revenues of India. The Under Secretary of State had told them that the Government were going to appoint a Commission. But what was the Commission going to do? For a great part of the increased military expenditure the present Government was not responsible. It was the result of changes carried out in the English Army. The short-service system was for India one of the most costly arrangements that human ingenuity could devise. It enormously increased the charge for transport and other expenses, while it diminished the efficiency of the Army. If we returned to the old system, India could also obtain recruits at much less cost. India was bound hand-and-foot to our costly military system, and charge after charge was thrown upon her. The increased military expenditure was the more disappointing, because a great portion of the unremunerative public works were intended to have a military value and ought to lead to a reduction of the military expenditure. He would now turn to the Department of Public Works. Here, like the Under Secretary of State, he could not speak with perfect freedom, because he, also, was a Member of the Committee that had been referred to. The Under Secretary of State had quoted elaborate figures to show that these works were productive. But these Returns must be accepted with extreme caution. It would be easy to quote figures on the other side. During the last three years there was no point in the Indian Budget on which the Under Secretary of State had dwelt with more satisfaction than the increasing railway returns. But in the Budget Statement of the present year it was calculated that the returns from the guaranteed railways would show a falling off of £1,800,000, and that they would yield a smaller net return than in any year since 1873-4. He hoped the proposed reduction of expenditure in the public works would be

carried out, not too precipitately, but with fairness and consistency. He had heard of thousands of poor labourers being dismissed, but not of a single person with a salary of £1,000 a-year being affected. He hoped the economy, of which the Under Secretary of State had given pledges this evening, would not be of that miserable and contemptible kind which touched the poor, and left untouched everyone who had sufficient influence to make himself heard in that House. The Under Secretary of State had made them promises which, if carried out, would give India cause to congratulate herself upon to-night's debate. He had truly said that for the last 40 years the most magnificent promises had been made with regard to the larger admission of Natives into the Public Service, and yet their number might be almost counted on the fingers. The number of covenanted servants must be reduced, because India could not afford her present staff. This would also greatly reduce the charge for pensions, which was too great to be borne. Out of a Revenue of £37,000,000, a sum of £2,800,000 was paid away in this country in the form of pensions, superannuations, and compassionate allowances. The Under Secretary of State seemed to think he had been unjust when, in a recent speech, he characterized these Home charges as extravagant. But he thought the charge could not be denied. Even with regard to the two items the Under Secretary of State had referred to—namely, £1,200 for the outfit and passage money of a member of the Council of the Governor General, and £2,500 for the outfit and passage money of two Bishops and certain chaplains, he thought the charge sufficiently made out. Why should India pay a single sixpence for a Bishop? The Under Secretary of State said he was compelled to allow these items by an Act of Parliament; but, if that was so, why did he not get the Act of Parliament repealed? It was a mistake to suppose that the Home charges could not be reduced. Let them but compare the salaries received by certain officials in the India Office with the salaries of officials who did the same work in some of the English Government Offices, and they would see that a reduction was not impossible. Instead of diminishing the Home charges, the Government were

pursuing a policy which would tend still further to increase them. While advising the Government to carry out in India a policy of rigorous retrenchment, he by no means underrated the difficulties which they had to encounter. He knew perfectly well that the very moment some private interest was attacked it summoned around it a host of friends, who became the keen assailants of the Government who were desirous of practising economy. Nothing would be more unfair or unjust than an attempt to add to the difficulties which the Government would have to encounter if they should carry out the promises of economy which they had made that evening. It was not his intention to make any direct attack upon the Government, for no fair person could hold them solely responsible for the present state of the finances of India. Strongly as he objected to some things which the Government had done—the Afghan War, for instance, and the reduction of the cotton duties—he still admitted that many of the causes that had brought financial trouble upon India were in operation long before the present Administration came into Office. He held that no single circumstance had done so much to bring financial trouble upon India as the amalgamation of the two Armies—a step for which a Conservative Government were not responsible. Nothing, he thought, would be more mischievous than to waste time in recriminations about the past, and in attempting to apportion blame between this Government and that. The House of Commons itself was by no means free from blame. In a country like ours, the policy of the Government became, sooner or later, the reflex of the feelings of the House of Commons, whose Members represented the feelings of the nation. Until recently, public opinion, with regard to the financial administration of India, had always been on the side of expenditure. The English people thought that India was an extremely wealthy country, and could not be too expensively governed. But, within the last year or two, there had been a change in their ideas, and language entirely different from that which was heard a few years ago was now on men's lips. On all sides, now, we heard the financial embarrassments of India spoken of. Although he did not believe in the insol-

veny of India, he did believe that if that which had occurred during the last five years were to continue unchecked in the future, India would one day find herself unable to pay her way, and Ministers would have to seek a grant in aid of our Eastern Dependency. If this should ever happen, a burden would be imposed upon England which would be felt in every English home. If anyone should ask him why he brought forward the Resolution which stood upon the Paper in his name, he would reply that he wished to do the little that could be done by a single individual to keep the influence of the House of Commons on the side of economy with regard to Indian administration, and not on the side of extravagance. He accepted, in no grudging spirit, the promise of the Government, that they would pursue a policy of strict economy. He hoped that they would not refuse to accept the Resolution which he was about to move. It placed no censure upon them; it only acknowledged a principle to which the Government themselves had subscribed. He would probably be asked to withdraw his Resolution; but he hoped the Government would refrain from making such an appeal to him, for they would have to encounter many obstacles in their efforts in the direction of economy, and he believed that by accepting his Resolution they would be strengthening, and not weakening, their hands. The hon. Gentleman concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, regarding with apprehension the present state of Indian Finance, approves the decision to reduce Expenditure,"—(*Mr. Fawcett*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. BIRLEY observed, that the concluding remarks of the hon. Member for Hackney very much mitigated the force of his preceding criticism. Nothing could be more easy than to draw, at the present moment, a gloomy picture of the finances of India. He regretted that the speech of the hon. Member had not partaken of the character of a reply to the admirable speech of the Under Secretary of State for India. He entirely agreed with

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that part of the hon. Member's Resolution which spoke of the necessity for economy in the administration of the Indian Revenue; but he could not say that he regarded the condition of the finances of India with apprehension. There was certainly great reason for caution in connection with the administration of the finances of that country; but this necessary caution was being faithfully exercised by those who were responsible, both in this country and in India itself. When they considered the enormous losses the Indian Government had sustained on account of Famines, and on account of loss by exchange, the answer to the charges of the hon. Member was obvious; and he thought it was a matter for some degree of congratulation that in the last year referred to in the Accounts, if they excluded the expenditure on account of Famine, the loss by exchange, and unproductive public works, there would be a favourable balance of very nearly £3,000,000. There was a point to which attention had been called by the Under Secretary of State for India, and that was as regarded the salt revenue. It had been frequently said that, salt being an article of universal necessity, it was hard that a revenue of something like £6,000,000 should be derived from it. But when they considered that that was equal to only about 1*d.* per month per head of the population, and that it was the one means by which some slight contribution could be brought to the Revenue from all classes, much of the objection disappeared, and a still larger portion of the objection disappeared when they considered the measures taken by the Government of India for the supply and distribution of salt. It was more important even than the question of the tax that the Natives should be able to receive regular supplies of salt, of which there had sometimes been a famine. The hon. Member for Hackney referred to the cotton duties. At an early period of the Session the House had devoted an evening to this question, on the Motion of the hon. Member for Blackburn (Mr. Briggs), and it was impossible to get up even a semblance of opposition to the resolution which had been come to by the Government of India to remove all those duties which had anything of a protective character; and he confessed he listened with great surprise to the

remarks of the hon. Member for Hackney, who professed to be a Free Trader, and who yet advocated this tax. The hon. Member said, however, that it was a tax which was paid by the Natives of India with the greatest satisfaction. The hon. Member must have forgotten that that was one of the arguments used by those who were favourable to the adoption of the principle of Reciprocity. Indirect taxes were always preferred to direct taxes, and that was the argument which was used everywhere in favour of indirect taxes. That the duty in question was a protective duty there could be no question whatever. It had been said that the duty had been removed at the instance of the English Government, and at the behest of the Lancashire Members. That was an unworthy observation; but the hon. Member said it was not his observation, but one which had been made by members of the India Council. Why, almost as soon as Lord Salisbury came into Office—in 1874 or 1875—he declared to the Indian Government his strong objection to this tax, and said it must be got rid of as soon as possible; and the noble Marquess had spoken to him about it in terms almost as strong as those he used in his despatch, and explained how much he objected on financial, political, and commercial grounds, to this unjust and impolitic tax. The clear and admirable statement of the Under Secretary of State had, he thought, completely cut the ground from under the feet of the hon. Member for Hackney, and also from under the feet of the hon. Member for Kirkcaldy (Sir George Campbell), and their supporters, and he was confident that the House would agree with the Under Secretary of State as to the future administration of Indian finance. The hon. Member for Hackney had claimed Sir John Strachey as an authority in favour of the statement that the Famine Fund had been unjustly absorbed in the expenditure of the year. What Sir John Strachey said was that "the propriety of the course taken by the Government had been justified by the event." That "any other decision would have resulted in the necessity of imposing new taxation;" and he added that if serious circumstances arose they would have had to choose between fresh taxation and an abrogation of the Fund. The charge, therefore, made

Mr. Birley

against Sir John Strachey was not borne out by the facts. Then, again, the hon. Member said that the licence tax was one in favour of the rich as against the poor. [Sir GEORGE CAMPBELL: Hear, hear!] He was not going to argue the question generally, and he did not know that the tax was founded on an equitable basis; but it was a tax on trade such as was known in many European countries, and it was, in some degree, a substitute for the Income Tax, which failed in India because the Natives would not submit to it. With regard to the question of exchange, the hon. Member for Hackney said there was a tendency on the part of the Government to become speculators in silver; but the Under Secretary of State had carefully guarded himself from suspicion on that point, and every merchant knew that there were times when it would be exceedingly imprudent to sell exchanges. The question of allowances and pensions to European officials had been alluded to, and he was glad to hear the assurance given to the House by his hon. Friend that it was intended in future to employ Natives in a larger degree than heretofore in the Indian Civil Service. He had only, in conclusion, to congratulate his hon. Friend the Under Secretary of State on the valuable and remarkable address he had delivered—an address which he believed would have an effect, not only upon the House, but upon the country.

Mr. LAING warned the House against the optimist view of the situation put forward by the Under Secretary of State in his able speech, in which he had stated many pleasant things in a very pleasant manner. The accounts presented to the House by the India Office at home were characterized by a greater degree of fairness than those which emanated from the Government of India. The latter were singular illustrations of the maxim that complicated accounts went along with embarrassed finance. The alleged increase of £5,000,000 in the Revenue of India during the past two years was really only nominal. When examined it was found to be due to a mere stroke of the pen, and the ordinary items of Revenue, instead of being buoyant, were stationary, or rather on the decline. Of course, the Government of India were not responsible for the great calamities of Famine

and the depreciation of silver; but it seemed to him they were to blame for not having realized the situation soon enough, and prepared for it by a rigid economy. It was as apparent three years ago as now; yet, instead of practising economy, the Government of India plunged into the Afghan War, of which he would say no more than that it might either have been averted or postponed. The accumulated deficit of the last few years exceeded the interest of the Debt. India had thus, in fact, been paying the interest of its Debt out of borrowed money, which was just what Egypt and Turkey had been doing. No doubt, he would be met by the argument of productive public works. *The Statistical Abstract* contained some figures showing what had been the expenditure upon, and the revenue from, public works during the last 10 years. The expenditure on works of irrigation had been £9,620,000, and on State railways £14,622,000, making a total of £24,302,000. The revenue from irrigation works in 1876-7 was £520,000, and the working expenses were £587,000, showing a loss of £60,000. The receipts from railways were £371,000, and the working expenses £263,000. The result was, the gross revenue was £871,000, and the working expenses were £850,000. Practically, there was no return at all for the expenditure. Returns which showed surpluses were, therefore, delusive, as were the Budgets of Napoleon III., which showed a surplus from year to year, while £100,000,000 was added to the Debt of France. Any Financial Statement was illusory and delusive which did not include the expenditure on public works in India. We had increased the public Debt of India by upwards of £50,000,000 in the last few years, of which more than £40,000,000 had been increased in the last six years. The actual deficit of cash expenditure over cash revenue was at the rate of not less than £7,000,000 a-year. He should be surprised if the Afghan War involved a capital charge of less than £4,000,000 or £5,000,000, which must be followed by an increased permanent charge for occupying Forces of 14,000 or 15,000 men, with camp followers, &c. Everyone would rejoice that the war had been brought near to its close, and they had now to look to the future. In occupying the new Frontier, there

would be three Passes which would require protecting, and they were so distant from one another that each would have to rely upon its own strength. The estimated yearly expense of the Forces to be set apart for the defence of the new territory had been put down by Sir Henry Norman, who was the very highest authority, at £1,000,000. The good resolution of the Government as regarded economy, so essential to the salvation of the Indian finances, was badly answered by an extension of the Frontier, which, beyond the first outlay, would add £1,000,000 a-year to the permanent Expenditure. As to increasing taxation, the possibilities of doing so were pretty well exhausted. Indirect taxation was admitted to have nearly reached its limit; and as to direct taxation, the political danger arising from any attempt in that direction was so great, and the amount that could be obtained was so small, that all the wisest statesmen had abandoned the idea. In justification of that view he would proceed to examine the several sources of Indian Revenue, in order to show that little or no additional income could be derived from them. Two sources had been suggested from which additional revenue might be obtained—tobacco, and an income tax. As to tobacco, the first fatal objection to deriving revenue from it was, that a great part of the population of India was so poor that they could get no more out of them. Another fatal objection was, that being of almost universal growth, if they attempted to raise a revenue from it they must have an army of Native Excisemen going through the country and prosecuting every unfortunate man who grew it. The objections to an income tax he had often stated. They were based chiefly on the Oriental habit of mind, which was so jealous on the subject as to make any such imposition odious to the people. When he was in India, there was a well authenticated instance of a well-to-do man having hung himself, his mind being so much disturbed by having an income tax paper served upon him. After all, if they put on an income tax they would collect very little. The fact that last year the Government had fallen back upon the licensing tax was a proof how hardly they had been driven to find a fresh source of taxation, it being a tax amounting to 5 per cent upon incomes of

4s. a-week. The Government appeared to underrate the gravity of the situation with regard to Indian finance, and to over-estimate the amount of the reductions that could be made in the expenditure. There was a fixed annual expenditure of £17,000,000, in which no reduction could be effected; and under several other heads, such as that of "Famine," it was scarcely to be hoped that the expenditure this year would be less than that of last. There was also a loss to be expected with regard to silver; although he thought the conduct of the Government was wise in refusing to listen to any of the empirical schemes which had been put forward for changing the standard. As long as the credit of England stood, it would be easy to raise a succession of loans which they would meet until they approached the gulf of bankruptcy; and he concluded by warning the House that these Indian loans would ultimately fall back upon England.

MR. SAMPSON LLOYD said, he was certain the House had listened with much satisfaction to the peculiarly clear and lucid statement of the Under Secretary of State for India. He believed every Member of that House was a sincere friend of judicious economy; and he had equally little doubt that that economy would be practised by Her Majesty's Government, when it could be safely carried out, by following the uniform policy indicated in the speech of the Under Secretary of State. He had no doubt that the employment of Natives in the subordinate posts would lead to this, and also have a very beneficial effect on the loyalty of the people. He need not follow the hon. Gentleman in his suggestions as to economy. No doubt, anyone who had paid attention to Indian finance would find that considerable economy might be made in public buildings in India, and what was called ordinary public works. With regard to the Army, he remembered in a former Session the hon. Baronet the Member for Kirkcaldy (Sir George Campbell), whose experience gave his words great weight on questions of this sort, said that as regarded men very little reduction was consistent with the safety of India, and with regard to the officers no reduction need go very far. He submitted that in order to realize any great scheme of economy of the Indian Army, the House

must deal with the standing Armies of the great feudatory Princes. So long as those Armies were maintained, numbering many tens of thousands of men, and large numbers of artillery, it was very difficult, indeed, to effect any measure of economy in the Army of India which would bridge over, to any extent, the deficit. As regarded public works, he quite agreed, from what little attention he had paid to the subject in the present circumstances of India, that they had no choice but to take the expenditure on public works. In dealing with these financial difficulties, there were two ways of meeting them—one was, by economy, to lessen the burdens on the ratepayer; and the other was by benefiting the condition of the ratepayer and enabling him to bear greater burdens. He could not help thinking that something might be done by the Government in that way. With regard to the question of manufactures, he thought that the people of India might, to a considerable extent, manufacture for themselves. If India were governed by Native Princes, or by any other Power than England, he could not help thinking that means would be taken to foster, to some extent, at all events, the system of Native manufactures; and for that reason he thought the true interest of India were not consulted by the recent reduction of the duties on the import of manufactures into that country. Referring to the depreciation of silver, he thought it was not due to any natural law, but to the demonetization of silver by Germany, and the reduction of mintage facilities by the States of the Latin Union. The loss to the Government last year from this cause amounted to £3,500,000, or more than the cost of the Famine and the Afghan War, and it was far from certain that the worst had passed. He believed that the grave character of this matter could scarcely be exaggerated, and should have been glad, had the very able statement of the Under Secretary of State for India comprised some indication that the Government were devoting their serious attention to it. He believed that it would be sometime before there would be an equilibrium in India.

MR. GLADSTONE: Sir, although the hour has arrived at which, when a debate is expected to be prolonged, we usually adjourn, I do not rise for the purpose of moving the adjournment, but

with the object of disentangling the different elements of this discussion, which it appears to me have no natural or proper connection with one another, and the conjunction of which, on the present occasion, may rather tend to perplex the public mind. The discussion upon the India Budget, although it is generally limited to a certain number of hon. Members in this House, yet necessarily, and upon all occasions, involves many topics of great interest and importance. On the present occasion it is obvious that those topics are unusually numerous and unusually weighty; and I do not think, nor do I expect or desire, that this discussion should be terminated at the point which it has now reached. But a very great change has taken place in the position of the House in relation to the question now before it since the debate began. We have had upon the Books for some days a Notice of Motion given by my hon. Friend the Member for Hackney (Mr. Fawcett), which appeared to raise a contentious issue; and I, for my own part, came down to the House at 5 o'clock to-day prepared to give strong support, to the best of my ability, to the Motion of my hon. Friend. I was entirely ignorant of what might be the intentions of the Government; all that I knew was that the many grave and even, in my view, alarming circumstances which surround the subject of Indian finance, called for the expression of a very decisive opinion on the part of this House, on behalf of strong, energetic, and effectual measures for the reduction of expenditure. There was the common expectation that we were to have, not merely the usual amicable discussion of incidental points connected with Indian finance, but that we were to have a great issue regularly raised, and that all arrangements had been made for clearing the Paper early in order that the debate might go forward, and the decision of the House taken by division upon the question raised by my hon. Friend. But, Sir, I listened with the utmost interest to the speech of my hon. Friend the Under Secretary of State for India, to which the hon. Member who has just sat down (Mr. Sampson Lloyd) has done, I think, no more than justice in expressing the feeling of the House that it was a most lucid and able exposition of the complicated facts which he had to lay

of the English people that it was easy to meet part of the exceptional expenditure by additional taxation. It might be easy; but, unfortunately, it was just the very thing the Government, of which the Under Secretary of State was a Member, did not do during the present year. They were afraid to meet exceptional expenditure by putting on a shilling of additional taxation, and there was no financial authority of repute out of the House who had not described the policy of the Government in that respect as a policy which was alike unsound and improvident. But unsound and improvident as was the English financial policy this year, what was the language which would accurately characterize the financial policy of the Indian Government, when, in the face of such large indebtedness, they not only made no attempt to raise additional revenue by additional taxation, but actually had not the courage to maintain the revenue already in their possession, and sacrificed a portion of the revenue raised from the import duties upon cotton goods, to meet a cry which had come from Lancashire? Even if it could be shown that these duties might be ten times more objectionable than they were said to be, yet, although it might be wise to remit them if there was a surplus revenue, it became the height of folly and imprudence to remit them under present circumstances; for what had really been done in India had been to borrow money in order to reduce duties which were probably paid with more satisfaction than any other duty in the whole fiscal system of India. The most extreme caution was necessary in reference to borrowing money in India. The Under Secretary of State had himself stated that it was not prudent to borrow more than £2,500,000 in India in any one year; but it was now proposed to borrow double that sum in the present year. The advance of £2,000,000, free of interest, by England to India, raised a question of greater financial importance than any proposal that for some years had been submitted to the House. It could be looked upon only in two ways—either as a gift or charitable offering, or a contribution which England was legally and equitably bound to make to India. If it were a gift or charitable offering, he believed it would be most mischievous. If, however, the

advance was to be looked upon as a contribution which England was legally bound to make, it was most inadequate in amount. Regarded in the light of the first proposition, he thought that if India was to come to England to relieve her from present necessities, both countries were starting on a path fraught with financial peril. They were told that the Afghan War did not concern India only, but that it was an Imperial question, and had been undertaken to maintain the influence of England both in the East and in Europe. The charge of the war, therefore, should be borne fully as much by England as by India. In advancing £2,000,000, free of interest, to be repaid in seven equal annual instalments, the amount of pecuniary sacrifice made by England in the loss of interest would be about £320,000; and if the Afghan War cost £2,600,000, as estimated by the Under Secretary of State, India would have to contribute £2,280,000 for an expenditure which was to maintain the influence and character of England in Europe. In other words, for every £1 contributed by wealthy England, £7 would have to be contributed by impoverished and embarrassed India. Whenever any spirited act of foreign policy was to be performed, in which the interests of England were involved, if England was only to pay £1 for every £7 paid by India, what an encouragement would be given to throw additional burdens on the finances of India! In consequence of this war, the Native Army had been increased by no less than 12 per cent. That additional expense must be borne by India; but, after all their boasting about what they were going to do for India, the result of their proposal would be that India should pay £7 where England paid only £1. He did not believe that the House of Commons would ever sanction such a proposal. Then, with regard to the loan of £5,000,000, to be raised in this country, the speech of the Under Secretary of State was halting and hesitating. He told them a Committee had been appointed to investigate the subject of the exchanges; but he did not tell them what the Government were going to do. He would, therefore, endeavour to explain what the Government intended to do with the £5,000,000 loan. They meant to become speculators in silver.

Mr. Fawcett

What would be the effect of their affecting the price of silver? Their proposal was simply a temporary expedient in which they might succeed for a few days; but, in the end, their position would be worse than before. Every additional £1,000,000 borrowed in England would increase the Home charges, and they would thus be bringing into operation an influence which would make the exchanges still more unfavourable. Silver had become depreciated, and they had been heavy losers in consequence. Why? Simply because for years the Indian Government had been pursuing the perilous course of having the Revenue received entirely in silver, and perpetually increasing the payments to be made in gold. The proposal of the Government, instead of diminishing the payments to be made in gold, would still further increase them, and thus their position would be aggravated. It was said they should limit the coinage of silver in India, and introduce a gold currency. But that would still more unfavourably affect the value of silver, and would be looked upon, from one end of India to another, as a breach of faith with the people. It would be regarded as a roundabout way of trying to screw something more out of them in the form of taxation. The course to be pursued was simply one of common sense; but it was exactly the opposite of that now proposed. Every effort should be made to reduce the Home charges and to diminish the amount of remittances India had to make to England. Last year a Famine Insurance Fund was established, and various new taxes were imposed to create it. Among them was the licence tax, which was virtually an income tax of 5*d.* in the pound on incomes of not more than 4*s.* a-week. Every artificer, and even many labourers, had to pay that impost; but not a professional man, with his thousands a year, nor an officer of the Army, nor a civilian, not even the Governor General, with his £20,000 a-year, had to contribute a farthing to it. The only justification put forward for those extraordinary exemptions was that the proceeds of that tax should be solely devoted to the relief of Famine, and that it was only just that those who were to be thus relieved should provide the Famine Insurance Fund, and, consequently, the professional and civilian classes should

not be called on to contribute. That was a very sorry excuse for what was done. What would have been thought if this country were threatened with Famine and a Famine Insurance Fund were created, to which the poor should be made to contribute and the wealthy should be exempted, because the former class would be affected by the calamity and the latter would not? But even that plea had been entirely swept away, because not one sixpence of that Fund had been devoted to the purposes for which it was established. How could they, then, with common justice or decency, continue one hour longer those exemptions which made that tax the cause of so much discontent in India? It had gone forth throughout India, on the authority of some of the highest officials in that country, that revenue had been sacrificed, and that the solemn promises of the Viceroy had been disregarded, in order to meet the exigencies of English politics. He did not say whether that charge was true or not; but it had been made, and it ought to be answered. Lord Lytton declared, when the taxes for creating the Famine Fund were imposed, that not a single rupee which they yielded should be devoted to any other purpose than that to which they were pledged; and Sir John Strachey also said that no administrative reform, however necessary, no fiscal change, however wise, could justify the application of the proceeds of those taxes to any other object than that of relief from Famine. Notwithstanding those assurances, that money had been spent in paying the cost of the Afghan War, and in enabling the Government to remit £200,000 of the cotton import duties. That being so, he thought the first part of his Resolution was amply justified. It was not the question whether this or that individual was highly paid; but whether India had got the money to make the payments she now had to make. She must put up with inferior or different service; anything was better than growing financial embarrassment. The Under Secretary of State had fully admitted that there was only one remedy for the existing state of things—namely, the immediate reduction of expenditure. Economy was, undoubtedly, quite practicable. Let them look to the Army. Unless they were prepared greatly to reduce their expenditure on the Army,

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he believed that they would make no sensible impression in improving the financial position of India. The present Finance Minister for India said some three years ago, in a time of peace, that the military expenditure of that country was not less than £17,000,000 a-year. Since then it had increased by, at least, £1,000,000; and if something was not done, it would very soon reach £20,000,000, or more than one-half of the entire net revenues of India. The Under Secretary of State had told them that the Government were going to appoint a Commission. But what was the Commission going to do? For a great part of the increased military expenditure the present Government was not responsible. It was the result of changes carried out in the English Army. The short-service system was for India one of the most costly arrangements that human ingenuity could devise. It enormously increased the charge for transport and other expenses, while it diminished the efficiency of the Army. If we returned to the old system, India could also obtain recruits at much less cost. India was bound hand-and-foot to our costly military system, and charge after charge was thrown upon her. The increased military expenditure was the more disappointing, because a great portion of the unremunerative public works were intended to show that these works were productive. But these Returns must be accepted with extreme caution. It would be easy to quote figures on the other side. During the last three years there was no point in the Indian Budget on which the Under Secretary of State had dwelt with more satisfaction than the increasing railway returns. But in the Budget Statement of the present year it was calculated that the returns from the guaranteed railways would show a falling off of £1,800,000, and that they would yield a smaller net return than in any year since 1873-4. He hoped the proposed reduction of expenditure in the public works would be

carried out, not too precipitately, but with fairness and consistency. He had heard of thousands of poor labourers being dismissed, but not of a single person with a salary of £1,000 a-year being affected. He hoped the economy, of which the Under Secretary of State had given pledges this evening, would not be of that miserable and contemptible kind which touched the poor, and left untouched everyone who had sufficient influence to make himself heard in that House. The Under Secretary of State had made them promises which, if carried out, would give India cause to congratulate herself upon to-night's debate. He had truly said that for the last 40 years the most magnificent promises had been made with regard to the larger admission of Natives into the Public Service, and yet their number might be almost counted on the fingers. The number of covenanted servants must be reduced, because India could not afford her present staff. This would also greatly reduce the charge for pensions, which was too great to be borne. Out of a Revenue of £37,000,000, a sum of £2,800,000 was paid away in this country in the form of pensions, superannuations, and compassionate allowances. The Under Secretary of State seemed to think he had been unjust when, in a recent speech, he characterized these Home charges as extravagant. But he thought the charge could not be denied. Even with regard to the two items the Under Secretary of State had referred to—namely, £1,200 for the outfit and passage money of a member of the Council of the Governor General, and £2,500 for the outfit and passage money of two Bishops and certain chaplains, he thought the charge sufficiently made out. Why should India pay a single sixpence for a Bishop? The Under Secretary of State said he was compelled to allow these items by an Act of Parliament; but, if that was so, why did he not get the Act of Parliament repealed? It was a mistake to suppose that the Home charges could not be reduced. Let them but compare the salaries received by certain officials in the India Office with the salaries of officials who did the same work in some of the English Government Offices, and they would see that a reduction was not impossible. Instead of diminishing the Home charges, the Government were

Mr. Fawcett

pursuing a policy which would tend still further to increase them. While advising the Government to carry out in India a policy of rigorous retrenchment, he by no means underrated the difficulties which they had to encounter. He knew perfectly well that the very moment some private interest was attacked it summoned around it a host of friends, who became the keen assailants of the Government who were desirous of practising economy. Nothing would be more unfair or unjust than an attempt to add to the difficulties which the Government would have to encounter if they should carry out the promises of economy which they had made that evening. It was not his intention to make any direct attack upon the Government, for no fair person could hold them solely responsible for the present state of the finances of India. Strongly as he objected to some things which the Government had done—the Afghan War, for instance, and the reduction of the cotton duties—he still admitted that many of the causes that had brought financial trouble upon India were in operation long before the present Administration came into Office. He held that no single circumstance had done so much to bring financial trouble upon India as the amalgamation of the two Armies—a step for which a Conservative Government were not responsible. Nothing, he thought, would be more mischievous than to waste time in recriminations about the past, and in attempting to apportion blame between this Government and that. The House of Commons itself was by no means free from blame. In a country like ours, the policy of the Government became, sooner or later, the reflex of the feelings of the House of Commons, whose Members represented the feelings of the nation. Until recently, public opinion, with regard to the financial administration of India, had always been on the side of expenditure. The English people thought that India was an extremely wealthy country, and could not be too expensively governed. But, within the last year or two, there had been a change in their ideas, and language entirely different from that which was heard a few years ago was now on men's lips. On all sides, now, we heard the financial embarrassments of India spoken of. Although he did not believe in the insol-

veny of India, he did believe that if that which had occurred during the last five years were to continue unchecked in the future, India would one day find herself unable to pay her way, and Ministers would have to seek a grant in aid of our Eastern Dependency. If this should ever happen, a burden would be imposed upon England which would be felt in every English home. If anyone should ask him why he brought forward the Resolution which stood upon the Paper in his name, he would reply that he wished to do the little that could be done by a single individual to keep the influence of the House of Commons on the side of economy with regard to Indian administration, and not on the side of extravagance. He accepted, in no grudging spirit, the promise of the Government, that they would pursue a policy of strict economy. He hoped that they would not refuse to accept the Resolution which he was about to move. It placed no censure upon them; it only acknowledged a principle to which the Government themselves had subscribed. He would probably be asked to withdraw his Resolution; but he hoped the Government would refrain from making such an appeal to him, for they would have to encounter many obstacles in their efforts in the direction of economy, and he believed that by accepting his Resolution they would be strengthening, and not weakening, their hands. The hon. Gentleman concluded by moving his Resolution.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House, regarding with apprehension the present state of Indian Finance, approves the decision to reduce Expenditure,"—(*Mr. Fawcett*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. BIRLEY observed, that the concluding remarks of the hon. Member for Hackney very much mitigated the force of his preceding criticism. Nothing could be more easy than to draw, at the present moment, a gloomy picture of the finances of India. He regretted that the speech of the hon. Member had not partaken of the character of a reply to the admirable speech of the Under Secretary of State for India. He entirely agreed with

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that part of the hon. Member's Resolution which spoke of the necessity for economy in the administration of the Indian Revenue; but he could not say that he regarded the condition of the finances of India with apprehension. There was certainly great reason for caution in connection with the administration of the finances of that country; but this necessary caution was being faithfully exercised by those who were responsible, both in this country and in India itself. When they considered the enormous losses the Indian Government had sustained on account of Famines, and on account of loss by exchange, the answer to the charges of the hon. Member was obvious; and he thought it was a matter for some degree of congratulation that in the last year referred to in the Accounts, if they excluded the expenditure on account of Famine, the loss by exchange, and unproductive public works, there would be a favourable balance of very nearly £3,000,000. There was a point to which attention had been called by the Under Secretary of State for India, and that was as regarded the salt revenue. It had been frequently said that, salt being an article of universal necessity, it was hard that a revenue of something like £6,000,000 should be derived from it. But when they considered that that was equal to only about 1d. per month per head of the population, and that it was the one means by which some slight contribution could be brought to the Revenue from all classes, much of the objection disappeared, and a still larger portion of the objection disappeared when they considered the measures taken by the Government of India for the supply and distribution of salt. It was more important even than the question of the tax that the Natives should be able to receive regular supplies of salt, of which there had sometimes been a famine. The hon. Member for Hackney referred to the cotton duties. At an early period of the Session the House had devoted an evening to this question, on the Motion of the hon. Member for Blackburn (Mr. Briggs), and it was impossible to get up even a semblance of opposition to the resolution which had been come to by the Government of India to remove all those duties which had anything of a protective character; and he confessed he listened with great surprise to the

remarks of the hon. Member for Hackney, who professed to be a Free Trader, and who yet advocated this tax. The hon. Member said, however, that it was a tax which was paid by the Natives of India with the greatest satisfaction. The hon. Member must have forgotten that that was one of the arguments used by those who were favourable to the adoption of the principle of Reciprocity. Indirect taxes were always preferred to direct taxes, and that was the argument which was used everywhere in favour of indirect taxes. That the duty in question was a protective duty there could be no question whatever. It had been said that the duty had been removed at the instance of the English Government, and at the behest of the Lancashire Members. That was an unworthy observation; but the hon. Member said it was not his observation, but one which had been made by members of the India Council. Why, almost as soon as Lord Salisbury came into Office—in 1874 or 1875—he declared to the Indian Government his strong objection to this tax, and said it must be got rid of as soon as possible; and the noble Marquess had spoken to him about it in terms almost as strong as those he used in his despatch, and explained how much he objected on financial, political, and commercial grounds, to this unjust and impolitic tax. The clear and admirable statement of the Under Secretary of State had, he thought, completely cut the ground from under the feet of the hon. Member for Hackney, and also from under the feet of the hon. Member for Kirkcaldy (Sir George Campbell), and their supporters, and he was confident that the House would agree with the Under Secretary of State as to the future administration of Indian finance. The hon. Member for Hackney had claimed Sir John Strachey as an authority in favour of the statement that the Famine Fund had been unjustly absorbed in the expenditure of the year. What Sir John Strachey said was that "the propriety of the course taken by the Government had been justified by the event." That "any other decision would have resulted in the necessity of imposing new taxation;" and he added that if serious circumstances arose they would have had to choose between fresh taxation and an abrogation of the Fund. The charge, therefore, made

Mr. Birley

against Sir John Strachey was not borne out by the facts. Then, again, the hon. Member said that the licence tax was one in favour of the rich as against the poor. [Sir GEORGE CAMPBELL: Hear, hear!] He was not going to argue the question generally, and he did not know that the tax was founded on an equitable basis; but it was a tax on trade such as was known in many European countries, and it was, in some degree, a substitute for the Income Tax, which failed in India because the Natives would not submit to it. With regard to the question of exchange, the hon. Member for Hackney said there was a tendency on the part of the Government to become speculators in silver; but the Under Secretary of State had carefully guarded himself from suspicion on that point, and every merchant knew that there were times when it would be exceedingly imprudent to sell exchanges. The question of allowances and pensions to European officials had been alluded to, and he was glad to hear the assurance given to the House by his hon. Friend that it was intended in future to employ Natives in a larger degree than heretofore in the Indian Civil Service. He had only, in conclusion, to congratulate his hon. Friend the Under Secretary of State on the valuable and remarkable address he had delivered—an address which he believed would have an effect, not only upon the House, but upon the country.

Mr. LAING warned the House against the optimistic view of the situation put forward by the Under Secretary of State in his able speech, in which he had stated many pleasant things in a very pleasant manner. The accounts presented to the House by the India Office at home were characterized by a greater degree of fairness than those which emanated from the Government of India. The latter were singular illustrations of the maxim that complicated accounts went along with embarrassed finance. The alleged increase of £5,000,000 in the Revenue of India during the past two years was really only nominal. When examined it was found to be due to a mere stroke of the pen, and the ordinary items of Revenue, instead of being buoyant, were stationary, or rather on the decline. Of course, the Government of India were not responsible for the great calamities of Famine

and the depreciation of silver; but it seemed to him they were to blame for not having realized the situation soon enough, and prepared for it by a rigid economy. It was as apparent three years ago as now; yet, instead of practising economy, the Government of India plunged into the Afghan War, of which he would say no more than that it might either have been averted or postponed. The accumulated deficit of the last few years exceeded the interest of the Debt. India had thus, in fact, been paying the interest of its Debt out of borrowed money, which was just what Egypt and Turkey had been doing. No doubt, he would be met by the argument of productive public works. *The Statistical Abstract* contained some figures showing what had been the expenditure upon, and the revenue from, public works during the last 10 years. The expenditure on works of irrigation had been £9,620,000, and on State railways £14,622,000, making a total of £24,302,000. The revenue from irrigation works in 1876-7 was £520,000, and the working expenses were £587,000, showing a loss of £60,000. The receipts from railways were £371,000, and the working expenses £263,000. The result was, the gross revenue was £871,000, and the working expenses were £850,000. Practically, there was no return at all for the expenditure. Returns which showed surpluses were, therefore, delusive, as were the Budgets of Napoleon III., which showed a surplus from year to year, while £100,000,000 was added to the Debt of France. Any Financial Statement was illusory and delusive which did not include the expenditure on public works in India. We had increased the public Debt of India by upwards of £50,000,000 in the last few years, of which more than £40,000,000 had been increased in the last six years. The actual deficit of cash expenditure over cash revenue was at the rate of not less than £7,000,000 a-year. He should be surprised if the Afghan War involved a capital charge of less than £4,000,000 or £5,000,000, which must be followed by an increased permanent charge for occupying Forces of 14,000 or 15,000 men, with camp followers, &c. Everyone would rejoice that the war had been brought near to its close, and they had now to look to the future. In occupying the new Frontier, there

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would be three Passes which would require protecting, and they were so distant from one another that each would have to rely upon its own strength. The estimated yearly expense of the Forces to be set apart for the defence of the new territory had been put down by Sir Henry Norman, who was the very highest authority, at £1,000,000. The good resolution of the Government as regarded economy, so essential to the salvation of the Indian finances, was badly answered by an extension of the Frontier, which, beyond the first outlay, would add £1,000,000 a-year to the permanent Expenditure. As to increasing taxation, the possibilities of doing so were pretty well exhausted. Indirect taxation was admitted to have nearly reached its limit; and as to direct taxation, the political danger arising from any attempt in that direction was so great, and the amount that could be obtained was so small, that all the wisest statesmen had abandoned the idea. In justification of that view he would proceed to examine the several sources of Indian Revenue, in order to show that little or no additional income could be derived from them. Two sources had been suggested from which additional revenue might be obtained—tobacco, and an income tax. As to tobacco, the first fatal objection to deriving revenue from it was, that a great part of the population of India was so poor that they could get no more out of them. Another fatal objection was, that being of almost universal growth, if they attempted to raise a revenue from it they must have an army of Native Excisemen going through the country and prosecuting every unfortunate man who grew it. The objections to an income tax he had often stated. They were based chiefly on the Oriental habit of mind, which was so jealous on the subject as to make any such imposition odious to the people. When he was in India, there was a well authenticated instance of a well-to-do man having hung himself, his mind being so much disturbed by having an income tax paper served upon him. After all, if they put on an income tax they would collect very little. The fact that last year the Government had fallen back upon the licensing tax was a proof how hardly they had been driven to find a fresh source of taxation, it being a tax amounting to 5 per cent upon incomes of

4s. a-week. The Government appeared to underrate the gravity of the situation with regard to Indian finance, and to over-estimate the amount of the reductions that could be made in the expenditure. There was a fixed annual expenditure of £17,000,000, in which no reduction could be effected; and under several other heads, such as that of "Famine," it was scarcely to be hoped that the expenditure this year would be less than that of last. There was also a loss to be expected with regard to silver; although he thought the conduct of the Government was wise in refusing to listen to any of the empirical schemes which had been put forward for changing the standard. As long as the credit of England stood, it would be easy to raise a succession of loans which they would meet until they approached the gulf of bankruptcy; and he concluded by warning the House that these Indian loans would ultimately fall back upon England.

Mr. SAMPSON LLOYD said, he was certain the House had listened with much satisfaction to the peculiarly clear and lucid statement of the Under Secretary of State for India. He believed every Member of that House was a sincere friend of judicious economy; and he had equally little doubt that that economy would be practised by Her Majesty's Government, when it could be safely carried out, by following the uniform policy indicated in the speech of the Under Secretary of State. He had no doubt that the employment of Natives in the subordinate posts would lead to this, and also have a very beneficial effect on the loyalty of the people. He need not follow the hon. Gentleman in his suggestions as to economy. No doubt, anyone who had paid attention to Indian finance would find that considerable economy might be made in public buildings in India, and what was called ordinary public works. With regard to the Army, he remembered in a former Session the hon. Baronet the Member for Kirkcaldy (Sir George Campbell), whose experience gave his words great weight on questions of this sort, said that as regarded men very little reduction was consistent with the safety of India, and with regard to the officers no reduction need go very far. He submitted that in order to realize any great scheme of economy of the Indian Army, the House

Mr. Laing

must deal with the standing Armies of the great feudatory Princes. So long as those Armies were maintained, numbering many tens of thousands of men, and large numbers of artillery, it was very difficult, indeed, to effect any measure of economy in the Army of India which would bridge over, to any extent, the deficit. As regarded public works, he quite agreed, from what little attention he had paid to the subject in the present circumstances of India, that they had no choice but to take the expenditure on public works. In dealing with these financial difficulties, there were two ways of meeting them—one was, by economy, to lessen the burdens on the ratepayer; and the other was by benefiting the condition of the ratepayer and enabling him to bear greater burdens. He could not help thinking that something might be done by the Government in that way. With regard to the question of manufactures, he thought that the people of India might, to a considerable extent, manufacture for themselves. If India were governed by Native Princes, or by any other Power than England, he could not help thinking that means would be taken to foster, to some extent, at all events, the system of Native manufactures; and for that reason he thought the true interest of India were not consulted by the recent reduction of the duties on the import of manufactures into that country. Referring to the depreciation of silver, he thought it was not due to any natural law, but to the demonetization of silver by Germany, and the reduction of mintage facilities by the States of the Latin Union. The loss to the Government last year from this cause amounted to £3,500,000, or more than the cost of the Famine and the Afghan War, and it was far from certain that the worst had passed. He believed that the grave character of this matter could scarcely be exaggerated, and should have been glad, had the very able statement of the Under Secretary of State for India comprised some indication that the Government were devoting their serious attention to it. He believed that it would be sometime before there would be an equilibrium in India.

MR. GLADSTONE: Sir, although the hour has arrived at which, when a debate is expected to be prolonged, we usually adjourn, I do not rise for the purpose of moving the adjournment, but

with the object of disentangling the different elements of this discussion, which it appears to me have no natural or proper connection with one another, and the conjunction of which, on the present occasion, may rather tend to perplex the public mind. The discussion upon the India Budget, although it is generally limited to a certain number of hon. Members in this House, yet necessarily, and upon all occasions, involves many topics of great interest and importance. On the present occasion it is obvious that those topics are unusually numerous and unusually weighty; and I do not think, nor do I expect or desire, that this discussion should be terminated at the point which it has now reached. But a very great change has taken place in the position of the House in relation to the question now before it since the debate began. We have had upon the Books for some days a Notice of Motion given by my hon. Friend the Member for Hackney (Mr. Fawcett), which appeared to raise a contentious issue; and I, for my own part, came down to the House at 5 o'clock to-day prepared to give strong support, to the best of my ability, to the Motion of my hon. Friend. I was entirely ignorant of what might be the intentions of the Government; all that I knew was that the many grave and even, in my view, alarming circumstances which surround the subject of Indian finance, called for the expression of a very decisive opinion on the part of this House, on behalf of strong, energetic, and effectual measures for the reduction of expenditure. There was the common expectation that we were to have, not merely the usual amicable discussion of incidental points connected with Indian finance, but that we were to have a great issue regularly raised, and that all arrangements had been made for clearing the Paper early in order that the debate might go forward, and the decision of the House taken by division upon the question raised by my hon. Friend. But, Sir, I listened with the utmost interest to the speech of my hon. Friend the Under Secretary of State for India, to which the hon. Member who has just sat down (Mr. Sampson Lloyd) has done, I think, no more than justice in expressing the feeling of the House that it was a most lucid and able exposition of the complicated facts which he had to lay

before us; and it was certainly with an amount of pleasurable surprise to me that, after my hon. Friend had, in the discharge of his duty, represented fairly and equitably the very grave state of affairs which exists, he proceeded to announce that Her Majesty's Government, having considered the state of Indian affairs, had arrived at the decision that it was their duty to take in hand effectual means for equalizing expenditure and charge. That was a most important announcement; but it did not appear to me to put an end to the occasion for discussion, because there still remained a great deal to be said upon a large number of incidental questions materially affecting the conditions of Indian finance. If you were to speak, for example, of import duties on foreign goods imported into India—that, of itself, was a topic which could not go by without discussion. I think there are Gentlemen in this House who feel a desire to discuss such matters; but it does appear to me that it would be most unfortunate that they should be discussed under the notion that we have now any contentious issue before us. The declaration of my hon. Friend is one of the utmost importance. He has made an announcement, and he has given encouragement to the House, for the fulfilment of which Her Majesty's Government are responsible. It may be that when they come to the development of their plans they may be such as to give entire satisfaction; and it is possible, on the other hand, that after those plans have developed questions may still remain on which there is a difference of opinion, and which, accordingly, must be debated between us. But what I feel strongly is that for the present moment the declaration made on the part of the Government has removed all reasonable grounds for anything in the nature of a contentious issue; and, therefore, speaking in the character of one thoroughly disposed to support the original proposition of the hon. Member for Hackney (Mr. Fawcett), I venture to say to him that I think it would be a great pity that the House, which is substantially unanimous in accepting the pledge of Her Majesty's Government, should be engaged in a debate with the prospect of its terminating with a Division. What I have to suggest to the hon. Member is that the Motion which, under the rather sudden

pressure of the moment, he substituted for the original Resolution still leaves the subject clouded with a certain degree of ambiguity; and that, not having understood the amended Motion of the hon. Member to be acceptable to Her Majesty's Government, I do not, under the circumstances, think we can fairly expect that it should be accepted. The more natural and usual course, when the Government have evinced an intention on their part, which is substantially agreeable to the views which have been expressed by the House, is not to call upon the House in a formal shape, but to accept the assurance which has been received, trusting implicitly to its fulfilment, or, at all events, to postpone its consideration to a later date, when, if there is found to exist any difference of opinion, the matter can be referred to a Division between the two sides of the House. Sir, I do not know whether I express the views generally entertained upon this subject; but I think I express an opinion in conformity with the general experience of the House, when I say that it would be better, for the unprejudiced and dispassionate consideration of the subjects of great importance and difficulty connected with the present state of Indian finance, if we were to allow the hon. Member to get quit of anything in the nature of a Motion that "you do now leave the Chair." I hope, therefore, that my hon. Friend will ask the House for the leave, which I have no doubt will be accorded, to withdraw his Motion, in order that the discussion may be allowed to proceed without there remaining in the public mind the misapprehension that we are divided in intention, while our views in the matter are really united.

Mr. ONSLOW rose to a point of Order. He wished to know the position in which the House was placed with regard to the Amendment?

MR. SPEAKER: The original Question before the House is that I leave the Chair, in order that the House in Committee should consider a financial Resolution, and upon that Motion the hon. Member for Hackney (Mr. Fawcett) moved an Amendment. That Amendment is now before the House. If the House think fit to allow the Amendment to be withdrawn, the original Question will be put from the Chair, and the debate will proceed.

Mr. Gladstone

Mr. FAWCETT thought, after the positive assurance of the Under Secretary of State for India, that a serious and earnest attempt should be made to reduce the expenditure in every Department connected with India, and that Natives were to be largely employed in the Public Service, he should be placing the House in a false position by asking for an expression of opinion upon the question of a reduction of expenditure which had been promised. He therefore begged permission to withdraw his Amendment, though he reserved the right of asking the House next year, if necessary, to express an opinion upon the extent to which the promises of the Under Secretary of State for India had been carried out.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

Motion made, and Question proposed, "That the Debate be now adjourned."—(Sir George Campbell.)

Motion agreed to.

Debate adjourned till To-morrow.

SUMMARY JURISDICTION BILL.

(Mr Secretary Cross, Mr. Attorney General, Mr. Solicitor General, Sir Matthew Ridley.)

[BILL 138.] CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."—(Mr. Secretary Cross.)

Mr. MORGAN LLOYD drew attention to the alteration in the position of Clerks of the Peace which would be brought about by the operation of this Bill; and as the question was one which involved a principle of justice, he was quite sure the House would give it fair consideration. It had always been usual, whenever any change had been made which affected property, that compensation should be given for the loss sustained by reason of such change; and that principle had always been applied in cases where any change had been made which affected the holders of offices, either by depriving them of those offices, or by reducing the emoluments derived there-

from. It had been the invariable custom of the House to grant the holders of such offices compensation for the loss sustained. The office of Clerk of the Peace was an ancient office, and was held for life. Formerly, the Clerks of the Peace were paid, either wholly or in part, by fees which they received for cases tried at Quarter Sessions; but in consequence of the change which took place in 1851, at least two-thirds in number of the Clerks of the Peace had had to commute their fees, and were now paid by salaries. But he believed a certain number of them, under 20 he thought, were still paid by fees. The proposition which he had to submit to the House was that, as the effect of this Bill would be seriously to reduce the income of these officers, some compensation should be made to them. Without troubling the House with the details of cases in point, he thought that the precedent established in the case of the Summary Jurisdiction Bill of 1855 ought to be applied on the present occasion. That Act contained the provision that Clerks of the Peace should receive compensation for the loss they had sustained by the reduction of their fees consequent upon the passing of that Act, and that principle had, he believed, been acted upon ever since that time. Compensation had also been granted in cases where offices in different Courts of Law had been abolished; and, again, where, as in the present case, the fees and emoluments were decreased, although the offices might not have been actually done away with. But it might be asked whether it was true that the operation of this Bill, when it became law, would seriously diminish the amount of fees? That, he thought, would be perfectly obvious from the Bill itself. He held in his hand the Calendar for the last Sessions for the County of Kent; and it was clear that of the 44 prisoners tried, 31 would have come under the operation of the Act, had it been in force. That, of course, meant a loss of a certain number of shillings in each of the 31 cases, which would, but for the operation of the Act when in force, have gone to the Clerk of the Peace. Again, with regard to the County of Middlesex, he had been told that 800 out of 1,800 prisoners tried would at once be summarily disposed of under the provisions of this Bill; and

the same with other counties. These figures, he thought, showed that the result of the Bill, in its present form, would be a very material diminution of the amount of the fees now paid to Clerks of the Peace. But he had heard it said that the provisions of the Criminal Code would, when passed into law, compensate Clerks of the Peace for the loss which they were about to sustain by the operation of the present measure. That, however, was not likely to be the effect of the Code in its present shape. Its result would be this—First of all, there were five classes of offences now triable at the Sessions which, under the provisions of the Code, would be triable at the Assizes only. Against those there were two offences—namely, burglary and highway robbery, in which jurisdiction would be given to the Sessions; but he asked any hon. Member who was in the habit of acting as Chairman at Quarter Sessions, whether the cases under the five heads referred to, which were to be taken from the Sessions to the Assizes, would not be much more numerous than the cases of burglary and highway robbery, which would be added to the jurisdiction of the Quarter Sessions? The argument, therefore, that the Clerks of the Peace would derive any equivalent from the Criminal Code for the losses which they would sustain by the operation of this Bill, fell to the ground. Again, it was said that the Bill itself furnished some remedy for the loss of fees by the provisions made for appeals. But the number of these, it was well known, would be very inconsiderable; because prisoners and their relations were usually very poor, and in cases where they were defended before the magistrates their means were so exhausted that they were unable to prosecute an appeal. How few appeals, except in bastardy cases, ever came to Quarter Sessions? He ventured to say that the appeals under the provisions of this Bill, so far from adding in any essential degree to the fees at Quarter Sessions, would add very little indeed. Therefore, it came to this—that the incomes of the gentlemen who held the offices of Clerks of the Peace, and who took those offices on the supposition that the fees were to be continued to them, would be very seriously diminished, for which reason he hoped that the House would consider that it was but

just and right that the precedent which had been over and over again followed in similar cases should not be departed from in the present instance. He begged to move the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, compensation should be made to clerks of the peace, now paid by fees, for the diminution of their incomes which will be caused by the provisions of this Bill,"—(*Mr. Morgan Lloyd*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ASSHETON CROSS said, he would not trouble the House with many words, for all that he had to say on this subject he stated the other night. He entirely agreed that everyone having a freehold office was entitled, when that office was abolished, to be compensated; but he entirely denied that Clerks of the Peace, or any other clerks, had a vested interest in crime. Their claim was ludicrous. The hon. and learned Gentleman might just as well say, because they had taken steps to improve the dwellings of the working classes, and also to promote education, by which means they hoped to diminish crime, that Clerks of the Peace on that account had a claim to compensation. What Clerks of the Peace had was a vested right to their office, and they had a vested right, as Clerks of the Peace in the Courts, to get all the fees in respect of the business that came before those Courts; and if no business came before their Courts, then they had no right at all to compensation. He would not take up the time of the House by further debating the matter.

MR. COLE said, that, although the claim of the Clerks of the Peace to compensation might seem very ludicrous to the right hon. Gentleman the Home Secretary, yet he must venture to differ from him. He quite agreed with him that Clerks of the Peace had no vested interest in crime; but they had a vested interest in their fees. What was now being done was to transfer the dealing with crime from one jurisdiction to another. The amount of crime would remain entirely the same; but it was treated in a dif-

Mr. Morgan Lloyd

ferent manner. Let them consider what now happened. A man was charged before a magistrate, and there was a magistrate's or a Justice's clerk, or both, who received certain fees when the matter was inquired into. Everyone who knew anything at all about the Criminal Law was aware that, in the event of the prisoner being committed by a magistrate or a Justice to Sessions, magistrate's clerks' fees on committal were inserted in the order made, and were allowed in the costs of the prosecution. If the case was sent to Sessions, the fees of the Clerk of the Peace were in addition to those of the clerk to the magistrates. In fact, there was one class of fees for prisoners dealt with at once by the Justices, and another for prisoners committed for trial at the Assizes or Sessions. If a prisoner were committed to Sessions for trial, the Clerk of the Peace, for the first time, had something to do with the case; for if the case were prosecuted at the Sessions, he was entitled to fees for such prosecution. No doubt, the Clerks of the Peace had no vested interest in crime—the crime remained the same; but the question under the Bill was as to the tribunal which was to deal with it. It was a question whether a prisoner should be dealt with by the magistrates, or sent to the Sessions for trial. If not sent to the Sessions for trial, prisoners were dealt with by the magistrates; and if dealt with by the magistrates, the magistrates' clerk got his fees; but the Clerks of the Peace got no fees at all. So that, by enabling the magistrates to deal summarily with certain offences, they had deprived the Clerks of the Peace of those fees to which they had been formerly entitled. He could not understand the right hon. Gentleman thinking it ludicrous that the Clerks of the Peace should wish for some compensation for the business of which they would be deprived. What was the position of the case? The Treasury would, under this Act, pocket a large amount of the fees hitherto payable to the Clerks of the Peace. It was perfectly clear to everyone knowing anything about the matter that there were two sets of fees, those payable to the magistrates' clerks and those payable to the Clerks of the Peace. If the magistrates were enabled to commit summarily in the cases provided for in the Bill, a

prisoner would not be sent to the Sessions for trial. The result was that those fees which would have been payable to the Clerks of the Peace if a prisoner had been sent to trial were saved to the Treasury. The Clerks of the Peace did not ask for what was called compensation. It was not compensation they wanted; but they simply asked that the fees that they were at the present moment entitled to claim on certain committals should be paid to them. They had been appointed to freehold offices on the understanding that they were to receive those fees. There was no question about that. They did not ask that one sixpence should be paid out of the Treasury that was not paid at the present moment. Certain offences must be now tried at Quarter Sessions, and not be tried summarily by the Justices, and in respect of these offences they were entitled to fees. But it was now proposed to take away from the Quarter Sessions the trying of those particular offences, and to allow the Justices at Petty Sessions to deal with them. No one objected to that arrangement; but it was certainly depriving the Clerks of the Peace of the fees which they would have been paid if those offences were still triable at Quarter Sessions. He did not ask that two sets of fees should be paid; but there were certain gentlemen who were not paid by salary, and only by fees. No doubt, the Justices at Quarter Sessions had the power, if so minded, to say that Clerks of the Peace should be paid by salary; but the Clerks of the Peace could not force the Justices to give them a salary. If they could do so, they would have no complaint; and he should like to see all Clerks of the Peace paid by salary. There was a certain number—perhaps a considerable number—of them paid by salary; and it would be very desirable that all should be paid by salary, as when only payable by fees Clerks of the Peace and magistrates' clerks were offered an inducement to commit prisoners for trial for the purpose of making fees. He did not say that that was done; but, still, he thought all such officials should be paid by salary. He knew many gentlemen who had accepted the position of Clerks of the Peace for counties, and had given up their profession in reliance upon receiving the fees payable in that office. These gentlemen, in many cases,

would lose £500 or £600 a-year by this Act; and he would ask if this was fair, right, or just? When they accepted those appointments, it was upon a distinct understanding that as the law was so it should continue. That they should have an interest in crimes as imputed to them by the right hon. Gentleman the Home Secretary was, of course, repugnant to everyone: but that was not the proper way of looking at the question. The crime remained the same, and the whole question was, if they removed these crimes from the jurisdiction of Clerks of the Peace, they removed from them their fees. It seemed to him extremely hard and improper to deprive these gentlemen of the fees which, when they accepted office, they were led to believe were inseparable from it. He would most strongly support the Motion of his hon. and learned Friend the Member for Beaumaris.

MR. DODSON said, that it had been admitted that the Clerks of the Peace had no vested interest in the crime of the country; but it had been argued that the crime remained, and that they had a vested interest in its not being transferred to a cheaper and prompter tribunal. He could not agree with that view. Under this Bill not only would there be more appeals, but where a person was charged with a crime for which he was liable to three months' imprisonment he could claim to be tried before a jury. Therefore, the Act, while it took away some business, would have the effect of sending some business to the Clerks of the Peace. He entirely agreed with the right hon. Gentleman the Home Secretary that if they abolished a freehold office they were bound to pay compensation, but not otherwise. They were not bound to provide crime for the Clerks of the Peace, and he did not think that Clerks of the Peace had any vested interest.

Question put, and *agreed to*.

Main Question, "That the Bill be now taken into Consideration," put, and *agreed to*.

Bill, as amended, *considered*.

MR. SPEAKER wished to point out to the hon. and learned Member for Penryn and Falmouth (Mr. Cole) that his Amendment involved a charge and

could only be inserted in Committee of the Whole House.

MR. COLE accepted the ruling of the Chair, and would not press the consideration of his clause. After the strong feeling the House had evinced against the Motion of his hon. and learned Friend the Member for Beaumaris, he thought it was idle for him to move this clause, even if he were entitled to do so, as it embodied the substance of that Resolution. At the same time, he must express a hope that his right hon. Friend the Home Secretary would re-consider his decision. It did strike him as an exceedingly hard case on those gentlemen, and he thought something should be done to relieve them.

MR. RIDLEY said, that it appeared to him that if they gave the Justices a right not to proceed to conviction, although an offence should be proved to have been committed, it was desirable that it should be expressed that that discretion should only be exercised on a consideration of the particular case. The words in the 16th clause, as it at present stood, gave the Justices liberty not to convict when they thought fit. Therefore, without considering the particular circumstances of the case, they might think themselves at liberty to exercise this discretion without reference to the case itself. He therefore begged to move, in Clause 16, page 8, line 30, after the word "inexpedient," to insert "under the particular circumstances of the case."

Amendment proposed, in page 8, line 30, after the word "inexpedient," to insert the words "under the particular circumstances of the case." — (*Mr. Ridley*.)

Question proposed, "That those words be there inserted."

SIR HENRY JAMES did not see how he could move his Amendment to leave out Sub-section 1 of this clause, if the Amendment now moved was inserted. He wished to support the Amendment of the hon. Member for South Northumberland, and he should like to say a few words upon the principle involved in it. This sub-section had the effect of placing every magistrate who administered the law above that House and above the law. It would give a magis-

Mr. Cole

trate power to say—"I think that although the Legislature have said a certain thing is a crime, yet that it ought not to be so." Although this seemed a very small matter, yet he thought the principle involved in it very serious. In the Criminal Code (Indictable Offences) Bill a provision similar to this was inserted, by which they gave to every Judge who tried a case a power to say that although the Legislature had said that a certain act constituted a crime, yet if that Judge thought that the Legislature was wrong, he could say that the crime should not result in a conviction, and that the prisoner, however guilty, might go free. A Judge would be enabled, because he thought the Legislature wrong in making a particular act a crime, to say that he would exercise this power and refuse to convict for it. This case might very readily happen. A Judge might say that poaching ought not to be a crime, and that he would not convict for it; and he might tell the jury that he would refuse to convict a man, not because he was innocent of the offence with which he was charged, but because, in his opinion, poaching was not a crime. The Legislature determined what acts were crimes, and ought to be punished; but this subsection, and the power proposed to be put in the Criminal Code (Indictable Offences) Bill, put the Judge above that House, and put him into a position to say—"I will not allow the jury to convict, not because the man is not guilty—not because it is not a gross case within the purview of legislation—but because I think the crime ought not to exist." He did not think that any such power as that should be given to any magistrate or Judge. He did not object to a magistrate, or a Judge, having the power to say that a case was so slight that a nominal penalty was sufficient punishment; he was only objecting to a magistrate of summary jurisdiction, or a Judge of greater power, being permitted to say—"I will not allow a jury to convict on this crime, because I think that it ought not to be a crime at all." If they allowed that power to be given in small matters, as was done by the Bill, it seemed to him that they would not be able to object to the insertion of a similar provision in the Criminal Code. He would refer, for one moment, to the cases in which magis-

trates would be called upon to exercise their discretion. Persons who might be charged before them might be in their employment, or might be known to them, and an appeal would be made to the clemency of the magistrates. At present, the magistrate was able to say—"I am very sorry, but I am bound to obey the law—I am bound to carry the law into effect and commit the prisoner for trial;" but under this section of the Bill it would be in the discretion of the magistrate to dismiss any prisoner, however guilty. He would not be able to say, as before—"I am bound to administer the law," for a discretion was expressly given him here to dismiss a criminal, however guilty, if he thought fit. In dealing with this question, they must consider weak magistrates as well as strong ones. He did not wish to enter into the question of political bias; but there were various questions coming before magistrates upon which they might entertain opinions. He would appeal to those hon. Members who, like himself, were magistrates, and would ask them whether they would like to be placed in this position—that they could not fall back upon the strength of that which they had always been able to do—namely, that they simply administered the law as the Legislature had made it? He could not conceive any position more objectionable than that magistrates should not be protected by the law itself, but left to their own individual discretion in determining whether a conviction should take place. He hoped the House would draw the distinction between the object of this clause—namely, clemency by means of making a conviction only nominal, and the placing a discretion in the hands of the magistrate to say that he would not convict for a crime, however guilty the prisoner might be proved of the offence with which he was charged. He would accept the Amendment of his hon. Friend the Member for South Northumberland; but it seemed to him that the Amendment would not be sufficient to meet the objection he had raised. So far as he could see, they were introducing a principle into the law which was most dangerous and most injurious to the administration of justice, and which he believed would be personally felt to be a great burden, instead of a benefit, to the magistracy of this country. He

trusted that he had not pressed his views too strongly upon the House. He did not like to divide against hon. Gentlemen opposite; but he hoped the House would, if it passed this section, accept the responsibility of affirming a principle which he had pointed out would have such untoward results.

MR. ASSHETON CROSS said, that, so far as the principle of the Amendment of the hon. Member for South Northumberland went, it was not affected by the opposition of the hon. and learned Member for Taunton. He thought the Amendment proposed by his hon. Friend would be a very great improvement on the Bill, whatever might be done when they came to deal with Sub-section 1. The hon. and learned Member for Taunton had urged that the introduction of the power given in Sub-section 1 would be very dangerous. But it was only proposed by this section to legalize what it was now the constant practice to do in Petty Sessions. A man was charged with an offence, and that offence might be proved; the magistrates, being of opinion that no punishment ought to be inflicted, had been in the habit of saying—"You have been guilty of this offence; but as you are a man of excellent character, and we do not think you deserve punishment, on the whole we will dismiss the case against you on payment of costs." That had been the practice up to the present moment; but when he (Mr. Assheton Cross) first took the chair at Petty Sessions he immediately put a stop to that practice, as he did not think that it was legal, and he had not allowed it to take place since. But the hardship inflicted by the want of such a power was very great; and he thought that a power such as that given by the sub-section was required. At present, if a man were fined even the smallest amount it involved the penalty of paying the costs. The magistrates were not to have the smallest discretion in saying whether a particular act was or was not to be a crime; but they were to be allowed to say that, under the particular circumstances of the case, they did not think it necessary to inflict any punishment at all. He agreed that magistrates ought not to have a power to dismiss a case because they did not think the law making it a crime was right; but it was necessary to give them a discretion to say that, under the particular circumstances,

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no punishment ought to be inflicted. The only question between his view and that of his hon. and learned Friend seemed to be whether a person should be actually convicted or not. It was now constantly the practice of magistrates to dismiss cases upon payment of costs. That was not legal; but, still, it was done, and instead of leaving it in that way it was proposed to give a power in the matter. He thought the Amendment of the hon. Member for South Northumberland would show more distinctly that magistrates were to exercise their discretion according to the particular circumstances of the case before them, and that it should, therefore, be adopted.

MR. HERSCHELL agreed with a great deal that his hon. and learned Friend the Member for Taunton had said; but he was not now going to discuss the question raised by him. He wished only to draw attention to the Amendment before the House. He should like the matter limited more than the hon. Member proposed. In certain circumstances it was intended to impose a certain limitation. He did not think that magistrates should have any discretion except where, under the particular circumstances of the case, the offence was of a trifling character. Unless the power was specific, the clause might include more than that. He should prefer to have words stating that the offence was so trifling that it was not expedient, under the particular circumstances, to convict for the offence. He should, therefore, suggest that the words of the clause should be altered; and instead of the Amendment proposed by the hon. Member for South Northumberland should be inserted the words—

"The offence was, under the particular circumstances of the case, of so trifling a character that it is inexpedient."

MR. RIDLEY accepted the words proposed, and begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Amendment (*Mr. Herschell*) agreed to.

MR. PAGET wished to move an Amendment, at the end of this sub-section, in these words, "or any other nominal punishment." His object in inserting the Amendment was to make the sentences harmonize.

Amendment agreed to.

SIR HENRY JAMES remarked, that the Amendment of his hon. and learned Friend the Member for Durham (Mr. Herschell) mitigated, to some extent, the evil which he was anxious to obviate; but he still thought there was some objection to this clause, and for this reason. It had been said that the question at issue was whether the magistrates should be able to say that they would not convict at all, or whether they would give only a nominal punishment. Every Judge was bound to have a discretion as to the infliction of punishment; but his objection was to magistrates being put above the law, and enabled to say that they would not convict of crime. The right hon. Gentleman the Home Secretary had stated that wherever even a nominal punishment was inflicted costs must follow the event, and that the object of the sub-section was to remedy that. He would point out that the Bill remedied that defect in the law; and that, even after a conviction, it was in the power of the magistrates to let a person go without the payment of costs. He must protest against the magistrates being for one moment put above the law; and he more particularly objected to this, as furnishing a precedent for a similar but more extended power being inserted in the Criminal Code.

SIR HENRY SELWIN-IBBETSON wished to point out that the Amendment which stood in his name on the Paper dealt with a class of crime not contemplated when the question was raised before. The Bill contained a scheme of penalties, by which the non-payment of any sum above £20 was punishable by imprisonment for three months. In many Revenue cases penalties amounted to £1,800 or £2,000; and in a case which was at present proceeding Her Majesty's Government claimed £1,800 penalty. Under these circumstances, he thought the House would think that three months' imprisonment for an offence against the Revenue, in which the penalty amounted to £1,800, was hardly adequate. He wished to prevent the occurrence of offences against the Revenue; and he was afraid if three months were left as the alternative to breaking these laws, that it would not sufficiently deter crime. Under these circumstances, he had to ask the House to add to the powers of the

magistrates in these cases, and to extend the punishment in Revenue cases to a longer period of imprisonment—namely, six months. He moved, in Clause 54, page 32, line 3, to leave out from the word "act" to the word "shall" in line 8.

MR. HOPWOOD observed, that it would meet the justice of the case, if magistrates were allowed to inflict greater punishment in the case of these offences than they could in others. He thought, however, that the Amendment proposed went too far, for it included offences against the Post Office.

SIR HENRY SELWIN-IBBETSON observed, that he would amend that, and proposed to leave out from the word "apply" to "and," inclusive, in line 7.

Amendment agreed to.

MR. DODSON said, that he had to move an Amendment upon the 1st Schedule of the Bill. The object of the Bill was to permit trumpery cases to be dealt with in a summary manner. He proposed to add to the 1st Schedule, amongst the offences which might be dealt with, the obtaining money by false pretences where the value of the money did not, in the opinion of the Court before which the charge was brought, exceed 5s. He had taken the sum of 5s. in order to confine the power to small cases. He might point out that the object was to confine the matter to obtaining money, as it was a much simpler case than that of obtaining goods by false pretences. In the case of obtaining goods by false pretences difficult questions might arise; but the case of obtaining money was much simpler and in harmony with the principle of the Bill.

Amendment proposed,

In page 34, column 1, line 20, after the word "sections," to insert the words "7. Obtaining money by false pretences where the value of the whole of the money alleged to have been so obtained does not, in the opinion of the court before which the charge is brought, exceed five shillings."—(*Mr. Dodson.*)

Question proposed, "That those words be there inserted."

MR. ASSHETON CROSS observed, that though the Amendment was worthy of consideration, yet he could not agree with it. His reason for objecting to the Amendment was that he feared it might be used for the purpose of collecting

debts. He had great objection to allowing the Criminal Law to be made a medium for debt-collecting; and he wished, by every means in his power, to prevent it. He therefore thought it would be right to leave the Bill as it stood.

SIR HENRY JAMES observed, that whether made a medium for collecting debts or not, a charge of committing this offence might be sent by the magistrates for trial. He thought it was better to have such a case tried before the magistrates, and a summary conviction take place, than that the matter should be sent to the Quarter Sessions. It was really only a question as to whether a particular offence should be dealt with summarily, or sent to the Quarter Sessions to be disposed of.

MR. ASSHETON CROSS remarked, that the cost of carrying the matter to Quarter Sessions would put a stop to the practice of making use of the Criminal Law in this particular matter for debt-collecting.

Question put.

The House divided:—Ayes 27; Noes 37: Majority 10.—(Div. List, No. 107.)

MR. MORGAN LLOYD said, that he had an Amendment, in page 35, line 10, to insert these words—

“Provided that the value does not, in the opinion of the Court before which the charge is brought, exceed forty shillings.”

He did not know the intention of the Government with respect to this matter; but, in point of fact, jurisdiction was given by the Bill to try aiders and abettors without limit as to amount. The compulsory jurisdiction of magistrates under it was limited to the value of 40s., but aiders and abettors of thefts of, say, £1,000, or a valuable horse, might be tried summarily. He did not know whether it was intended to allow this peculiarity to exist, for it was an anomaly; and he could see no reason why, if a principal could not be tried, an accessory before the fact, or after the fact, should be allowed to be tried. The object of his Amendment was to give the same jurisdiction, with regard to accessories before and after the fact, as was exercised with regard to principals.

MR. ASSHETON CROSS: I am satisfied, and accept the Amendment.

Amendment agreed to.

Mr. Assheton Cross

MR. COLE moved an Amendment with a view to limiting the power to try for attempts to steal. As the matter at present stood, there was no limit whatever to the power of the magistrates to try for attempts to steal. It seemed to him that, as respected the tribunal, an attempt to commit an offence ought to be placed on the same footing as the entire offence.

Amendment proposed,

In page 35, line 16, after the word “servant,” to insert the words “where the property which is the subject of the alleged offence does not, in the opinion of the court before whom the charge is brought, exceed forty shillings.”—*(Mr. Cole.)*

MR. ASSHETON CROSS observed, that a man was charged with attempting to steal money, but the amount of the money might be unknown, the Court could not possibly determine the value of the property which he attempted to steal, and that it would be, therefore, absolutely impossible to carry out this provision. If a man attempted to pick a pocket, it would be impossible to charge him with attempting to steal any specific sum, because the amount of money in the pocket would probably not be known.

MR. PAGET thought that this Amendment was very objectionable, and he should strongly oppose it.

MR. COLE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

SIR HENRY SELWIN-IBBETSON moved, in Schedule 2, page 36, line 5, to insert—

(11 and 12 Vic. c. 43.)

“An Act to facilitate the performance of the duties of justices of the peace out of session, within England and Wales, with respect to summary convictions and orders.”

The following words in section thirty-five: “Nor to any information or complaint or other proceeding under or by virtue of any of the statutes relating to Her Majesty’s Revenue of Excise or Customs, Stamps, Taxes, or Post Office.”

He said, that this Amendment was simply to do away with the exemption of the Customs and Inland Revenue in proceedings under the Larceny Act.

Amendment agreed to.

Bill to be read the third time *To-morrow*.

GREAT SEAL [SALARY].
COMMITTEE.

Order for Committee thereupon read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir Henry Selwin-Ibbetson.*)

MR. MONK said, that it was not usual for Mr. Speaker to leave the Chair in order that the House might go into Committee and provide for expenses arising out of a Bill until it had passed its second reading. Moreover, it was later than half-past 12, and the Bill in question was opposed by his hon. and learned Friend the Member for Oxford (*Sir William Harcourt.*)

SIR HENRY SELWIN-IBBETSON said, that this was merely a formal stage of the Bill, the object of which was to sanction, by Resolution of the House, the amount of salary to be paid in case the Bill should be passed.

Question put.

The House divided:—Ayes 22; Noes 13: Majority 9.—(*Div. List, No. 108.*)

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Matter considered in Committee.
(In the Committee.)

Resolved, That it is expedient to authorize the payment, out of moneys to be provided by Parliament, of additional Salary to any Officer which may become payable under the provisions of any Act of the present Session to amend the Law respecting the manner of passing Grants under the Great Seal, and respecting Officers connected therewith.

Resolution to be reported *To-morrow.*

COSTS TAXATION (HOUSE OF COMMONS) BILL—[Bill 190.]
(*Mr. Raikes, Mr. Mowbray.*)

SECOND READING.

Order for Second Reading read.

MR. RAIKES explained that it was intended to legalize in the case of Provisional Orders the same regulations as to the taxation of costs which had long been established in the case of Private Bills. He therefore moved that the Bill should be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Raikes.*)

Motion agreed to.

Bill read a second time, and committed for *To-morrow.*

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, 23rd May, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Consolidated Fund (No. 3) *; Dispensaries (Ireland) * (88); Hares (Ireland) * (89); Parliamentary Burghs (Scotland) * (90); Local Government (Ireland) Provisional Orders (Waterford, &c.) * (91); Public Health (Scotland) Provisional Order (Bothwell) * (92).
Second Reading—Children's Dangerous Performances (64); Statute Law Revision (Ireland) (80); Valuation of Lands (Scotland) Amendment * (83).
Report—Habitual Drunkards * (86-93).
Third Reading—Pier and Harbour Orders Confirmation * (73); Public Health (Scotland) Act, 1867, Amendment * (78), and passed.
Royal Assent—Registration of Births, Deaths, and Marriages (Army) [42 *Vict.* c. 8]; Friendly Societies Act (1875) Amendment [42 *Vict.* c. 9]; Assessed Rates Act Amendment [42 *Vict.* c. 10]; Bankers' Books (Evidence) [42 *Vict.* c. 11]; Petty Customs (Scotland) Abolition Act Amendment [42 *Vict.* c. 13]; Poor Law Amendment Act (1876) Amendment [42 *Vict.* c. 12]; Oyster and Mussel Fisheries Order (Blackwater, Essex) [42 *Vict.* c. i]; Drainage and Improvement of Lands (Ireland) Provisional Order Confirmation [42 *Vict.* c. ii]; General Police and Improvement (Scotland) Provisional Order (Paisley) [42 *Vict.* c. iii]; General Police and Improvement (Scotland) Provisional Order (Inverness) [42 *Vict.* c. iv]; Land Drainage Provisional Order (Bispham, &c.) [42 *Vict.* c. xli]; Public Health (Scotland) Provisional Order (Castlo Douglas) [42 *Vict.* c. xlii]; Local Government Provisional Orders (Ashton-under-Lyne, &c.) [42 *Vict.* c. xliii].

CHILDREN'S DANGEROUS PERFORMANCES BILL—(No. 64.)

(*The Earl De la Warr.*)

SECOND READING.

Order of the Day for the Second Reading, read.

EARL DE LA WARR, in moving that the Bill be now read a second time, said,

their Lordships had, in a former Session, read a similar measure a second time; but owing to the peculiar manner in which it was framed, and the objection that it included too much, it was withdrawn. The present Bill was to prevent the employment of children of tender years in gymnastic, athletic, or other performances of a kind which would endanger life or limb. The 2nd clause, which was the principal one, provided that no child under 14 years of age should take part in any public exhibition or performance which, in the opinion of a Court of Summary Jurisdiction, would be considered dangerous to life or limb. The Bill also imposed penalties on the person who employed the child, or the parent or guardian who allowed the child to be so employed. It was said that if persons did not commence the practice of such performances when they were children they would not be able to accomplish them in after-life. He submitted that that would be no great loss to the community. There was, however, no desire to put down by means of the Bill such gymnastic exercises on the part of youths and adult persons as were necessary to the maintenance of bodily health and the development of the human frame. In the case of the dangerous exhibitions which it was proposed to suppress, the children who took part in them were not voluntary agents. They were compelled to take part in them and risk their lives for the gain of others. It was true that dangerous performances had diminished in number for a certain time after the introduction of the former measure on this subject; but some instances which had recently occurred showed that the practice still continued to a great extent. The noble Earl then described in detail several examples of dangerous performances, chiefly in music halls. In one case a child, about six years of age, suspended at a dizzy height, went through a ceiling-walking performance, which consisted of passing backwards and forwards, head downwards, by placing his feet successively in loops. In another instance, two sisters, not more than eight or nine years of age, swung round and round a number of times on a trapeze. The noble Earl read announcements, issued by managers, of "additional attractions," in the form of "flying wonders," "queens of the air," and so on. He also referred to an acci-

dent which had recently occurred at a music hall in Birmingham to a boy 12 years of age. One of his feats consisted in being propelled into the air from an apparatus placed on the stage. The machine went off rather unexpectedly, and the little fellow was hurled into the air, and one of his legs was broken and severely lacerated. These children, in their professional education, were subjected to a system of torture from the earliest period. He begged to move the second reading of the Bill.

Moved, "That the Bill be now read 2^d."
—(*The Earl De la Warr.*)

EARL BEAUCHAMP said, that everyone, including Her Majesty's Government, sympathized with the object of the noble Earl (Earl de la Warr); but it was a question whether the measure for which he asked a second reading was best calculated to attain the end which he had in view. He (Earl Beauchamp) thought in its present shape it was not, for none of the performances which the noble Earl had mentioned would come within its scope. They all took place at music-halls, and the Bill was confined to exhibitions in a circus. The Bill as drawn would prohibit most gymnastic exhibitions, because, if they were shown to be dangerous, and a grown person employed a child in them, they would be prohibited, although the child might be employed in a portion of the entertainment which was not at all dangerous. Of course, this was not intended; but it would be one of the effects of the Bill. The Bill could be amended in Committee, and the Government would not oppose the second reading; but he very much doubted whether any great compulsion was really exercised on the children who took part in the performances in question.

LORD ABERDARE observed, that as the Legislature had prohibited the employment of young children in some of the most useful manufactures of the country, because that employment was injurious to them, *a fortiori*, there was a case made out for preventing the employment of children at dangerous performances.

THE EARL OF SHAFTESBURY said, it was not during the performances that the greatest mischief was done and the greatest cruelty perpetrated towards the children. It was in the training of the

Earl De La Warr.

children from the ages of four and five years up to 14 that the severest torture was inflicted on them.

Motion *agreed to*; Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

THE METROPOLITAN WATER SUPPLY AND FIRE BRIGADE—REPORT OF THE SELECT COMMITTEE.

MOTION FOR PAPERS.

EARL GRANVILLE, in calling attention to the Report of the Select Committee of the House of Commons in 1877 on the Metropolitan Fire Brigade, and to move for Papers, said, he owed an apology to their Lordships for bringing before them a subject on which he was profoundly ignorant three months ago. The accident of a fire in his own house had drawn his attention to the system prevalent in the Metropolis for the protection of life and property against fire. But, in any criticisms which he might make on the system, he wished to be understood as making no complaint whatever of the authorities or individuals who took a part in extinguishing that fire. On the contrary, he could only express his gratitude for the zeal, energy, and courtesy which were shown. He should like to add one word of thankfulness for the sympathy which was shown him and his family, not only by friends, but even by mere acquaintances. He could not pretend that that sympathy was quite universal, because the director of an Insurance Company overheard one person say to another in Pall Mall—"After all, Lord Granville's fire is not a bad thing; it creates work." This idea, that the creation of a necessity for labour was tantamount to a creation of wealth, would have indicated that the speakers were rather anti-Free Traders than Liberals. But he had reason to believe that they belonged to his Party, for when they got opposite the Carlton they agreed that for every reason it would be an excellent thing if that place were burnt down to the ground. The risk of fire was so interesting to all their Lordships that they would forgive him for calling their attention to the Report of the Committee of 1876-7. It was the more important as the recommendations were similar to those of all other Committees and Royal Commissions which

had sat on this matter, or on subjects connected with it—among others, a Commission presided over by his noble Friend the Lord President of the Council (the Duke of Richmond and Gordon). The recommendations were almost identical with those of the Society of Arts, which were of great value, as the work was chiefly carried on by experts and specialists, who had leave from the Government to examine official witnesses. The Report of the Committee gave an interesting account, which he would not repeat, of the system for dealing with fires which existed previous to 1865. It was almost incredible that, up to that date, the only legal provision for protecting life and property from fire was an obligation upon the Metropolitan parishes to keep fire engines, but with no corresponding obligation upon anyone to work them. There was a body of firemen, who had no public character, but were maintained by some of the Insurance Companies, for the extinction of fires only in the central parts of the town, and there was a charitable society which owned a certain number of fire-escapes. In 1865, an improvement was effected by the creation of the Fire Brigade as a municipal institution under the superintendence of the Metropolitan Board of Works. But the Committee reported that although the expenditure of the Board had been, on the whole, judicious, they were always hampered by want of means, and that the Brigade, though the men were efficient and well officered, was quite inadequate in numbers. In London, with a population of 3,500,000, the Brigade consisted of 406 men; in Paris, with a population under 2,000,000, the firemen numbered 1,548; in New York and Brooklyn, with a combined population of about 1,350,000, there were 2,300 firemen. The system there was expensive, but perfect. Mr. Lyon Playfair, who had lately been in the United States, had written to him the following description:—

"The American system for fires is very elaborate.

"1. Many private houses have direct communication with the nearest police office by telegraph wire. You have on this four signals—(a) alarm of fire, (b) send a cab, (c) send a commissioner, (d) send the police—a robbery or crime.

"2. Every small district has a fire alarm attached to a convenient house, on the outside. The alarm is locked, but the house to which it is attached keeps the key, and each policeman on

the beat has a key. Your house is on fire and you rush to this box, open it, pull a wire, which tells the central office that there is a fire close to this district box.

"3. The Central Office now does the following. It telegraphs to the district fire-engine office and to the neighbouring Alliance offices that there is a fire, say in district 500. I have been in these offices when an alarm arrives, and have seen the operation. An alarm bell rings and the telegraph at the same moment loosens the horses in their stalls. The horses, being trained to obey the alarm, instantly turn round and rush to their places in the fire engine. By the time the men have put on their accoutrements the horses are in place and only require to be hooked to the engine.

"4. Of course the efficiency of all fire arrangements depends upon there being a system of constant supply in the mains and in the houses. This is precisely the great want in London, and until it is given to us London will be far behind other great towns in protection from fire."

In London there was no unity of management. Of those who took part officially in dealing with a fire there were the police, who were almost always the first on the spot. In our great provincial towns they at once applied a hose to a hydrant of which they had the key, and thus constantly themselves put out the fire in the room in which it originated. In London they had no power to extinguish the fire. Their business was only to arouse the inmates of the place on fire, to summon help, and to keep order. The Fire Brigade—a body entirely separate, under the orders of the Metropolitan Board—when they arrived were frequently helpless until the turncock came. He was the private servant of one of eight Water Companies, who were governed by their own special Acts, with independent areas, separate systems of pipes, and peculiar regulations. They were under no obligation to supply sufficient water for the extinction of fires. They were only bound to give gratuitously what happened to be there. There was no connection between their water services, no means of sustaining pressure or of concentrating the whole power of the water service of the Metropolis upon one spot. The Salvage Corps was another separate body under the orders of the Insurance Companies. It might be said this arrangement sounded anomalous, but it worked well. It was most creditable to the energy and zeal of those concerned that it worked at all. It would be well worth the while of any of their Lordships to visit the central office of the Fire Brigade. It was im-

possible to imagine a finer race of men, or a more intelligent system of discipline, and application of means to ends. But the system itself was bad, and did not work well when compared with those places where unity prevailed. In the evidence taken by the Committees of 1846 and 1847, by the Committee of Inquiry of the Society of Arts, and by the Committee of the Corporation of London that visited Manchester, it was shown that there were in proportion three times more loss of life and property in London than in those towns where unity prevailed. In one, the rule was for the house to be burnt; in the other, only the room. Their Lordships would remember what a serious percentage that was, when it was considered how many more lives were lost, and how much more property was destroyed by fire than by any human violence or robbery. This saving of life and property in the provincial towns was partly owing to concentration of management, partly to the constant supply of water, and the fact that hydrants were placed in all the mains, and in the houses themselves. The conclusions of the Select Committee were 12. But as six of them were either matters of detail or related to theatres, and had already been to some degree obeyed, he would only trouble their Lordships with the following six:—

"That the statutory arrangements for the extinction of fires in the metropolis, whereby the Fire Brigade is administered by the Metropolitan Board of Works, two separate police forces exist side by side, and the water supply is sectionally furnished by eight independent companies, are not such as to furnish adequate protection to life and property, and contrast unfavourably with provincial systems, where the Fire Brigade, water supply, and police are under a single authority; and that consolidation of management, so far as is practicable, is urgently required.

"That the Fire Brigade should be transferred from the Metropolitan Board to the Commissioner of Police for the Metropolis, so however as to constitute a distinct branch to be placed under the immediate command of a separate assistant commissioner, and to be authorized to act within the city of London, as well as in the metropolis.

"That the police stations and the fixed points should be used as Fire Brigade stations, or as places where small engines or other appliances should be deposited, and that all police constables, both of the metropolis and city, should be auxiliary to the Fire Brigade, but that, as now, each force should be empowered to act only within its own jurisdiction except on a special requisition.

"That hydrants should, without delay, be affixed to mains and service pipes wherever there is a constant supply, and should follow the extension of such supply.

"That the water systems now belonging to the various companies should be consolidated in the hands of a public authority, which, in dealing with the questions of constant supply, pressure, and pipage, should be bound to have regard not only to the convenience of consumers, but also to the requirements for the extinction of fire.

"That effect should be given by the Legislature to these recommendations."

With regard to the amalgamation of the Fire Brigade with the police, the Committee came to the same opinion after hearing conflicting evidence as previous Committees had done. The *a priori* reasons were conclusive. By the unity of authority over the police force and the water supply, you saved time. Time was the one important thing in extinguishing a fire. It was Mr. Braidwood's maxim that it was upon the first five minutes that the matter depended. In the theatrical evidence, it was stated that the best fire-engine in a theatre was the carpenter's cap—a saying which aptly illustrated how infinitesimal the effort required at first was compared with the power necessary when a fire has got ahead. The fireman could only come when he was summoned. The policeman was, comparatively speaking, everywhere. One of the matters the most difficult to deal with were the intentional fires. The immediate presence of the policeman on the spot where the fire began would allow of proofs of design being obvious, which would be otherwise obliterated by the progress of the flames. Mr. Chadwick, who had given such invaluable attention to this subject, had written powerfully in support of the theory that it was wise to increase, as much as possible, those attributes of the policeman which were altogether popular, and made him a *persona grata* to the people. He knew of no country where the police, from the services which they had rendered, were looked upon with so much favour as in this country. The strength they derived from the moral co-operation of the population could not be over-estimated. It was wise to encourage this feeling in every way. As to an amalgamated system of water supply which would enable a non-intermittent flow of water to the whole area of the Metropolis, its advantages for the protection of life and property against

fire, and in favour of public health, were self-evident; and when it had been proved to the satisfaction of the Committee of 1876-7—and, indeed, of all the other Committees and Commissions—that this could be done with diminished expenditure, with less waste of water, and with a cutting-off of the most unwholesome sources of supply, it seemed incredible that there should be delay in carrying out such urgent work. He could not deny that the economy of money and of water, and the possibility of a constant supply of water, had been questioned. He might, if he chose, give their Lordships all the proofs and calculations from the volumes before him that this economy and this constant supply could be obtained; but he asked their Lordships to take it, not from an individual like himself, but from the Reports of the various inquiring bodies, that such was the case. The last conclusion of the Committee of 1876-7 was that effect should be given by the Legislature to the recommendations of the Committee, a conclusion proposed by Sir Henry Selwin-Ibbetson, not in his individual capacity, but as Representative of the Home Office. It was unanimously adopted by the Committee. When, therefore, he gave Notice of his Motion of that day, he had every reason to hope for a favourable reply from Her Majesty's Government; but since that time an important deputation from the London Vestries had waited upon the Secretary of State (Mr. Cross) to represent the great and increasing grievance to the ratepayers of the Metropolis under the present system, and to urge the consolidation of the eight Companies, with a view to an economy of money and an adequate supply of good water. Mr. Cross was reported to have announced that, with regard to dealing with such legal powers as the Companies possessed, Parliament never interfered, excepting to carry out any arrangement that might have been made, and, apparently, left the responsibility on the Vestries of making such an arrangement. That gave him (Earl Granville) some anxiety as to the answer of the noble Earl (Earl Beauchamp) who represented the Department. It was impossible that the noble Earl should, on behalf of the Home Office, impugn on their merits the value of the recommendations of the Committee, which, in the circumstances

he (Earl Granville) had stated, must be considered as the opinion of the Office on the abstract merits of the question. But if the noble Earl urged delay, he (Earl Granville) could only say there was every possible objection to it. If, as was the opinion of the Committee, the London system entailed three times greater sacrifice of life and property than those systems where unity prevailed, the necessity for immediate action was overwhelming. Besides, every year's delay added enormously to the pecuniary difficulty of an arrangement with the vested interests of the Companies. Every year would add something like £1,750,000 to the sum which had to be paid. It was out of the question that the Vestries, who had nothing to do with the police, who had no special knowledge on the matter, or skilled officers to advise them, and who were generally engaged in business affairs, should have the task of settling the terms and mode of purchasing the means of supplying water to the Metropolis. The noble Duke the Lord President of the Council (the Duke of Richmond and Gordon) and his Commission reported that—

"Such technical details could only be carried out by competent professional skill, and that this must be carefully determined under the guidance of the experience gained in the process of the change."

The Metropolitan Board failed to treat with the Water Companies, who declined to negotiate with them, and had twice been discouraged by the Government from doing so. The privileges and powers of the Companies had been confirmed under the sanction of the Government. They were exercised under the supervision of Government Departments and Government officers, of a Government Auditor, and a Government Surveyor, formerly under the Board of Trade, now under the Local Government Board. It was the practice of the Government to give its assistance in this matter. To take one instance, there was the Commission for the consolidation of roads of upwards of 100 parishes, under a Royal Commission or Road Trust, which worked remarkably well. He doubted whether there would be any insuperable difficulties in coming to a speedy arrangement with the Water Companies. Compulsory powers to deal

Earl Granville

with vested interest on behalf of life, property, and the public health of the Metropolis were clearly as justifiable as those for improving the railway communications of the country. In both cases there must be no confiscation. There must, on the contrary, be liberal compensation. The difficulty of coming to an agreement ought to be much diminished—first, by the fact that the shareholders did not now profit at all in proportion to the increasing rates to which the consumers of water were subject; and, second, that Parliament had in numerous instances settled the principles on which such compensation should be given—namely, 25 years' purchase of the highest net dividend, with an allowance for compulsory purchase; and also, on arbitration, an allowance for prospective advantages. If his noble Relative, in his answer, threw more or less cold water upon him, such as was supplied now by some of the London Companies; if he declined, on the part of the Home Office, to take any initiative on such a pressing and urgent question—he must appeal to Cæsar—to the noble Earl at the head of Her Majesty's Government (the Earl of Beaconsfield); but he was afraid that Cæsar had just left the House. Not many years ago, the noble Earl publicly begged the civil engineers to direct their attention to the improvement of the public health, and he suggested as a subject most worthy of their consideration the supply of water to London. He was told the noble Earl also encouraged Colonel Beresford to propose a Bill for the purpose even before the Select Committee had sat, and he knew that it was a proud boast of the noble Earl at the commencement of his Administration that the public health would be the principal care of his Government. He did not think there could be a better way of redeeming such a pledge than by carrying out the recommendations of the Committee, which dealt with a matter of great urgency as regarded life, property, and public health. In conclusion, the noble Earl moved for the production of Papers relating to the subject.

Moved, "That an humble Address be presented to Her Majesty for Correspondence between the Society of Arts and the Secretary of State for the Home Department respecting the Water Supply of the Metropolis."—(*The Earl Granville.*)

EARL BEAUCHAMP said, there was no doubt, as the noble Earl (Earl Granville) had said, that the Prime Minister had always taken a great interest in questions relating to the public health, and he was duly impressed with the importance of the question now before their Lordships. It was impossible, however, to promise immediate redress of the grievances which the noble Earl had set forth in his speech. It was true the Committee to which the noble Earl had called attention was presided over by Sir Henry Selwin-Ibbetson; but when propositions which appeared most desirable in the abstract came to be put into operation, other considerations had to be taken into account. The management of the administration of fires was a question full of difficulty. Since the Fire Brigade was constituted and placed under the control of the Metropolitan Board of Works, the statistics showed the progress it had made. In 1866 there were 1,338 fires, and in 1875 there were 1,529; but in 1866, out of the 1,338 fires, 326 were of a serious character, and 1,012 were slight. That was the state of matters before the Metropolitan Board of Works took charge. In 1875, out of 1,529, 163 were fires of a serious character, and 1,366 were slight. It would, therefore, be seen that in the 10 years the proportion of serious fires had fallen from 25 per cent to 11 per cent, showing that a more efficient system had been brought into operation, by which fires were sooner detected and their mischief more thoroughly mitigated; and there was no reason to suppose that the progress made in those years had come to a conclusion. When it was asked that the Fire Brigade should be placed under the police, it must be remembered that there were two police forces in the Metropolis—that under the City of London, and that under the Secretary of State. The City of London had always been jealous of interference with its police, and the time had not been arrived at for subordinating their police to the Secretary of State. Unless, therefore, it could be shown that the present arrangement was incompatible with the public welfare, the City of London police should not be lightly interfered with. It had also been recommended that a second body should be created, and subordinated to the Commissioner of Police. It must be

evident that if it was possible for the police to afford greater facilities than they did at the present time, they must have a separate organization and separate training for those who were really to cope with difficulties arising at fires. But he did not see what advantage was to be gained from this recommendation. The amalgamation of the Water Companies was a very large question. It had been certainly estimated that the sum of £20,000,000 would be required to buy up the rights of the Companies. That made the money question a very serious one. He might remind the noble Earl that besides the great question of capital, the Committee had recommended that there should be a constant supply throughout the day, and that, it had been estimated, would cost not less than £250,000. No doubt it was possible to frame a measure which would satisfy the Companies; but whether a measure which would satisfy the Companies would satisfy the Metropolis was a different question. The progress of Business in the House of Commons during the last two or three years had not been such as to make it very desirable to introduce measures without a reasonable prospect of carrying them, and he was sure that such a measure as this would undergo a severe and searching examination. But that was not a matter which should deter the Government from dealing with the question. No doubt, when the time arrived for dealing with the subject, the Report of the Committee, to which reference had been made, would form the basis of legislation; but the question was one of such a grave and important character, that it would be rash for the Government to take it up unless they saw their way to carry it to a successful and a speedy conclusion. No one could be more sensible than himself (Earl Beauchamp) of the terrible consequences that would follow a conflagration in the densely-populated districts of the Metropolis where so much wealth was stored, and he freely admitted that the noble Earl, with whose loss he fully sympathized, had done good service in bringing the subject before the House.

LORD ABERDARE said, that the noble Earl on his side of the House (Earl Granville) could not be congratulated on the effect of his speech, as it had failed to obtain from the Government any dis-

tinct pledge. No one expected that the Government would undertake immediate legislation; but anything more hopeless than the views expressed by the noble Earl opposite (Earl Beauchamp) it was impossible to conceive; and he (Lord Aberdare) very much regretted the noble Earl had not held out some hope of a speedy termination to the state of affairs which had been complained of. The noble Earl could not pretend to say for a moment that by delay they would gain further information. Royal Commissions and Committees of both Houses had more than once insisted that, in order to insure the rapid extinction of fires and a constant supply of pure water to the Metropolis, the Water Companies should be amalgamated. The Royal Commission of 1869 laid it down in the clearest way that the control of the water supply of London should be intrusted to a responsible public body. The expediency of uniting the Water Companies under one controlling head was amply demonstrated in the Report of that Commission, various reasons being given for the adoption of the course which was advocated. That course, the Commission stated, could alone effectually insure to the Metropolis a constant supply of water for domestic purposes as well as for the extinction of fires. Again, by its adoption the poor would be provided with proper water. An attempt, he might remind their Lordships, had been made by the late Government to secure this advantage for the poorer classes, and considerable pressure had been brought to bear upon the Companies by the Bill of 1871, which had, he was glad to say, resulted in some improvement. The advantage of a constant water supply was, however, by no means universally enjoyed by the poor. Some of the Companies had exerted themselves; but there remained one which had done nothing at all, and two which had done very little. The Commission to which he had referred also enumerated among the advantages of the system which they proposed for adoption that it would result in uniformity of management, and in improvement in the quality of the water supplied. It would, he thought, be allowed that the places in which a fire would be most likely to spread were just those where it would be most difficult to procure an adequate supply of water under the existing system. They had it on

high authority that they could not make satisfactory arrangements for the extinction of fire if they had not a constant water supply at their command. He regretted, however, to say that the Government had taken no step towards giving effect to these commendations contained in the Report. The Metropolis and its suburbs contained a population exceeding that of Scotland, and yet they were behind one of the chief cities of Scotland as regarded the means of extinguishing fire.

LORD DENMAN said, that it was unfair in noble Lords to complain of the Government for not promising legislation on this subject at a fixed time, when those who complained were continually striving to expel them from office. The Government did not promise, but had often carried measures which their opponents had failed to make practical. The noble Earl (Earl Granville) had alluded to the importance of an early extinction of fires. He (Lord Denman) wished that in every house there were a small portable gas or steam apparatus, which at an early stage of a fire might subdue it. He believed that the Government would effectually deal with the important question before their Lordships; but they could not be expected to do so in the present state of Public Business during the present Session.

THE EARL OF SHAFTESBURY said, that the question now under consideration had been before the public for the last 30 years. It was quite time that it was settled. The present water supply of the Metropolis was perfectly shameful. There were some districts of London in which the houses were of such a construction, that if a fire broke out it would be like the Great Fire of London in the extent of its devastation. He spoke feelingly on this subject, having, more than 30 years ago, been Chairman of the Board of Health which proposed a scheme for the remedying of the evil. That it was an efficient remedy was proved by the fact that the Water Companies rose as one man against it. One of the results was that the Board was dissolved with a large amount of contempt, and ceased to exist. The evil, however, went on. Government after Government had had the question before them, but nothing had been done. During the course of his investigations

Lord Aberdare

in the East of London, at the period to which he referred, he found men drinking the most detestable beer, and he asked them why they did so? and they replied to the effect that the beer was bad, but the water was worse. Bodies created by Act of Parliament should be taught that there was a body superior to them; and he could not too earnestly press upon Her Majesty's Government the necessity of dealing, and that promptly, with a matter which seriously affected the morals, the health, and the happiness of many thousands of their fellow-subjects.

EARL FORTESCUE said, that he, also, had tasted some of the water supplied at the East End of London, and had found it to be very bad. He wished to enforce upon Her Majesty's Government the urgent importance of taking the question into their consideration. In the year 1852 the property of the Water Companies was valued at something like £8,000,000 sterling; now, however, the valuation was £26,000,000. Some of those Companies were extending their works, to supply an increased population, and did so very willingly. "Coming events cast their shadows before," and the Water Companies knew that, at no distant day, that which was being done by great city after great city, and even by small town after small town—namely, the supply by the local authority to them of water and gas—would be done in this great Metropolis. Delay would only make the terms more onerous. The economies, however, of consolidation and the suppression of secretaries, solicitors, and other functionaries of the Companies would be sufficient to pay the interest on the cost of securing an efficient and constant supply of water at high pressure. In Manchester, when an alarm of fire was given, the mains being charged with water at high pressure, the police had nothing to do but to attach hose to a stand-pipe and turn a stream of water on the fire. He ventured to hope that the Government would seriously entertain this question, being assured that there was a large margin for economy and efficiency. We might have water less cold in winter and less warm in summer through being carried further underground, out of the reach of the frost and of the sun; and, with these agreeable and convenient changes, we might have greater security to life and property than at present.

THE DUKE OF RICHMOND AND GORDON said, that one would think, from a remark of the noble Earl who had just addressed their Lordships (Earl Fortescue), that it was the easiest thing in the world to supply the Metropolis with water; but the noble Earl had not suggested how it was to be done. The Commission over which he had presided was appointed to inquire into the feasibility of two schemes proposed by Mr. Bateman and Mr. Hassard, one for bringing water from Wales, and the other from Cumberland. The Commission sat for a considerable time, took a great deal of evidence, and spared no pains in coming to the conclusions which they embodied in their Report. Having had an opportunity of reflecting on those conclusions, he saw no reason for differing from them. The matter was one of great difficulty, and required careful consideration before any practical conclusion could be arrived at. It had been said that, for the sake of the morals, health, and cleanliness of the people, the Government should at once bring in a measure to carry out the object desired; but the question was, how were they to meet the difficulties with which the question was beset? That was the point on which information was wanted. It had been suggested that the Water Companies should be purchased; but the question that had to be settled was, how were those Companies to be purchased? With a view to these undertakings being bought up, it would be necessary to create a body having the confidence of the ratepayers, because the rates would have to be charged for the cost of such a purchase. The difficulty of the question would, doubtless, be admitted by the noble Lord opposite (Lord Aberdare), who, though he was Home Secretary after the Report of the Commission was made, shrank from taking any large step for the creation of a body to provide water for the whole of the Metropolis.

LORD ABERDARE explained that he introduced a Bill, but it was found to be impossible to carry it in the Session.

THE DUKE OF RICHMOND AND GORDON said, it was true that the noble Lord did bring in a Bill which proposed to place the matter in the hands of the Metropolitan Board; but he found the mode in which he proposed to deal with the question was not practicable, and the subject so difficult, that he did not attempt to deal with it in any

future Session on a scale large enough to meet the requirements of the case. With regard to the police, consisting of City police and Metropolitan police, were these bodies to be united for the purpose of carrying out the provisions of the water supply? Again, how could they form the City of London and other parts of the Metropolis into one body, in order to buy up all the Water Companies? These were some of the difficult questions which had to be considered. One of the reasons which induced him to dissent from the proposals of the gentlemen whose schemes were laid before the Commission to which he had referred, was that he did not think it advisable to supply London from one source only. This matter had engaged the constant attention of the Home Secretary (Mr. Assheton Cross), who, regarding it as one of immense importance, would be the first to do something, if he saw his way, to introduce a satisfactory measure, giving an efficient supply of water. The steps which his right hon. Friend had taken in dealing with the Artizans' Dwellings, and other questions of that kind, at all events showed that he was keenly alive to the wants of the poorer classes. It was because his right hon. Friend saw the enormous difficulties which surrounded the question that he did not feel able to bring in a satisfactory measure; but, at the same time, it was a question which was now under his consideration.

THE EARL OF CAMPERDOWN said, the inhabitants of the Metropolis would derive but small consolation from what had been said on behalf of the Government, and more water had been poured down the back of the noble Earl (Earl Granville) than he could get at his house when he wanted it. He (the Earl of Camperdown) admitted that the question was not an easy one to deal with; but Governments had solved greater difficulties than the purchase of the undertakings of a few Water Companies. It was quite as difficult to acquire the Telegraph Companies; but that was successfully achieved. Everyone would admit that this was not a Party question, and that the common object was to get as good, efficient, and cheap water supply as possible for the Metropolis. Of course, it would be necessary to have a central authority which would command the confidence of the ratepayers, and surely the Home

Secretary was quite competent to create such an authority. Whatever Board of Management might be elected, it would certainly not possess the confidence of the ratepayers in a less degree than did the present Water Companies. The property of the Companies could, of course, only be acquired by means of a compulsory Act. Any voluntary arrangement that might be proposed by the district Boards of the Metropolis would have no effect but to enhance the value of the Companies' shares. There were many reasons why the water supply of the Metropolis should be in the hands of a single body; but it would probably suffice to mention two. These were, first, that the present supply of water was inadequate, and that it would be necessary to supplement it at no distant time—a duty which they would surely never intrust to the present Companies; and, second, that the Companies seemed to have the power of doubling or trebling their rates without conferring any corresponding benefit upon the ratepayers. Four or five years ago, when the present Metropolitan Valuation Act was coming into force, he foresaw that the Companies might raise their charges in consequence of it; but the noble Duke opposite (the Duke of Richmond and Gordon) said it was not the intention of the Government to confer upon them any additional rating powers. Nevertheless, legally or illegally, the Companies did raise their charges on that occasion all over the Metropolis, without the slightest benefit resulting to the consumers; and he had received hundreds of letters asking him to do his best to prevent the recurrence of such an anomaly, which Parliament could never have intended to allow. As the present Motion could lead to nothing, he reserved to himself the right of proposing a Resolution on this subject on some future day.

Motion agreed to.

PARLIAMENT—STANDING ORDERS

NOS. 95 AND 96.—OBSERVATIONS.

LORD WAVENEY, who had upon the Paper a Notice of Motion—

"To call attention to the Standing Orders of the House of Lords, and to move Amendments in Nos. 95 and 96,"

rose for the purpose of addressing the House, when—

The Duke of Richmond and Gordon

THE EARL OF CAMPERDOWN rose to a point of Order. Their Lordships would remember that the other night a discussion took place with reference to the powers, and the exercise of the powers, of the noble Earl the Chairman of Committees (the Earl of Redesdale), and before the Motion of the noble Lord (Lord Waveney) was proceeded with, he (the Earl of Camperdown) desired to know whether it was the intention of the Mover to make some change in the position of Chairman of Committees? If so, would it not be more convenient, and more in accordance with the practice of their Lordships' House, for the proposed Amendments to be laid on the Table? He thought that the noble Lord (Lord Waveney) was out of Order in bringing forward a Notice so worded as the one which he had placed upon the Paper.

THE LORD CHANCELLOR said, it would be more convenient, and certainly more in accordance with the present practice observed in that House, for the noble Lord (Lord Waveney) to have given Notice of what the Amendments were which he intended to propose. As it was, the words placed upon the Paper by the noble Lord afforded no indication of the nature of those Amendments; and therefore the House, in accordance with its practice, would have to abstain from discussing a subject of which no Notice had been given.

LORD WAVENEY said, that, under these circumstances, he would merely call attention to the subject to which his Motion referred. He would like to know, however, whether it was the practice of their Lordships' House to impose silence on a Member when rising to call attention to inconveniences which arose from non-observance of Standing Orders?

THE DUKE OF RICHMOND AND GORDON said, that a discussion which could have no practical effect would be unsatisfactory. If the noble Lord intended to propose a remedy for any present inconveniences, it would be well for him to bring forward a Notice of Motion indicating the nature of the proposed remedies. If that were done, there would be one instead of two discussions on the subject. The noble Lord would certainly not be in Order in going into the second part of his Motion without first informing the House,

so as to give noble Lords time to consider the question what his Amendments were to be.

LORD WAVENEY said, he felt bound at least to call attention to the subject. The Standing Orders of the House of Lords had produced a result which could not be viewed with satisfaction, producing, as it did, a very great deal of distrust in the public mind in the management of the Public Business of the House by the Chairman of Committees (the Earl of Redesdale). He (Lord Waveney) was not one of those who adopted opinions put forward by irresponsible writers in the newspapers, though he was glad to get information from all sources, and he had made the subject-matter of his Motion a matter of discussion by men competent to form opinions on it. He cheerfully acknowledged the great services which the noble Earl had rendered; but there was abundance of evidence to prove that the Standing Orders, by authorizing certain action on the part of the noble Earl, had done a good deal towards creating inconvenience and discontent. He thought that Standing Orders should be clear and distinct, and in agreement with themselves; but he found that they were not clear and distinct, and that the Standing Orders of the two branches of the Legislature were not in harmony. In this Chamber it was the practice of the Chairman of Committees to act in certain cases as the noble Earl had acted, and convert an unopposed into an opposed Bill, without first referring the matter to a Select Committee, as was the practice in the other branch of the Legislature. The Chairman of Committees in their Lordships' House, therefore, in certain cases, by the exercise of his power of reception, became the sole judge and arbiter of a Bill which he ordered to be transferred from the unopposed to the opposed class. It was not the noble Earl who was in fault for this state of things; it was the Standing Order in the first place, and their Lordships in the second, who had allowed the practice to go on uninterruptedly. The Standing Orders of the two branches of the Legislature were not harmonious, as he had shown; for in the lower House, under similar circumstances, although the Chairman of Committees might transfer a Bill, his rejection of it would not be conclusive

until it had been referred to a Select Committee. Since the decision of their Lordships was pronounced a short time ago upon a Railway Bill, which decision was supported with some doubt by Her Majesty's Prime Minister, and supported on the Opposition side, no doubt, by the noble Earl whom they were all proud to acknowledge as Leader (Earl Granville)—since that decision he had been in Ireland, and in that particular part where the difficulty, in consequence of their Lordships' action, had been felt. What had he learned there? He had heard very strong objections raised to that mode of dealing with the Business which was principally affected on that occasion, and very much intensified the desire, which was widely felt, for what was called Home Rule. Even in Ulster, where order, peace, and regularity were prized above all things, he had heard it said, by men of mark and position, that if any one thing more than another could create such a feeling, it was the course which had been taken by their Lordships on that occasion. He considered it his duty to make these remarks; but for the present he should leave the Standing Orders to themselves, with the intention, however, next Session, of proposing some Amendment in them.

THE LORD CHANCELLOR said, as this matter concerned the office of his noble Friend the Chairman of Committees (the Earl of Redesdale), it might be more convenient that he should make a few observations. He had taken the liberty of pointing out to the noble Lord (Lord Waveney) that he had not, as a matter of form, given any Notice of any alteration which he proposed to make in the Standing Orders, and that it would be more convenient to follow up any observations he might have to make by some specific proposition, pointing out the alterations he proposed to effect in the Standing Orders. He must, however, observe that the noble Lord was not only irregular in not giving Notice of what his Amendments were to be, but he was irregular in calling attention to the Standing Orders without some specific Notice to the House. No doubt their Lordships were in the habit of extending their indulgence to noble Lords in calling attention to a subject without some specific Motion; but that was by indulgence, and contrary to the Standing Orders which the noble Lord had in-

voked. Having said so much, he wished to add a very few words as to the view which the noble Lord had taken on this subject. He said he would be prepared at a future period to propose an Amendment in the Standing Orders; but he (the Lord Chancellor) hoped, before doing so, he would take care to make himself better acquainted with the course and character of the procedure of the House. He (the Lord Chancellor) could not be suspected of speaking of the decision in a particular case, for it would be recollected that he had disagreed with his noble Friend with regard to the decision on that particular Bill. But, speaking of the practice of the House, it was not correct to say that they referred unopposed Bills to the *arbitrium* of his noble Friend at the Table. The noble Lord was under an entire misapprehension on that point. There was no such practice. What was done occurred every day. An unopposed Bill was "committed to the consideration of the Chairman of Committees and such Lords as think fit to attend." That was the practice of the House. The noble Lord himself was at perfect liberty to attend any Committee on any unopposed Bill; and if he could procure the attendance of any other Peer he might outvote the Chairman of Committees. The House, no doubt, left the decision on unopposed Bills very much to his noble Friend, because they felt it could not be in better hands; but if any noble Lord took a different view, he might get a friend to attend the Committee and overthrow his decision. The noble Lord said the Standing Orders in their Lordships' House were entirely different in regard to unopposed Bills from those of the other House of Parliament. That was not so. The Standing Orders said—

"The Chairman of Committees may, if he think fit, report to the House his opinion that any unopposed Bill on which he shall sit as Chairman shall be proceeded with as an opposed Bill."

No doubt he had that option, and the noble Lord complained that it was optional; did he wish that the Chairman should so report if he did not think fit? It was in the option of the Chairman of Committees to report that it should be proceeded with as an opposed Bill, and then, of course, it would be referred to a Committee of five. In the other House the Standing Order was

Lord Waveney

precisely similar, substituting only the Chairman of Ways and Means for the Chairman of Committees; and if the noble Lord proposed any Amendment in the Standing Orders of their Lordships' House in that respect, he would only introduce confusion where harmony at present prevailed. He was glad of the opportunity of correcting the misapprehension of the noble Lord that there was some Standing Order in that House which, contrary to the whole practice of Parliament, gave an absolute control and decision on any unopposed Bill to his noble Friend at the Table. The Rule of the House in regard to unopposed Bills was this—the Chairman of Committees was Chairman of the Committee, but the Committee might consist of as many Lords as chose to attend.

LORD WAVENEY made some remark which was inaudible.

THE EARL OF REDESDALE: The noble Lord does not appear to know what an unopposed Bill is.

STATUTE LAW REVISION (IRELAND) BILL—(No. 80.)

(*The Lord Chancellor.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that if passed it would bring the revision of the Irish Statutes down to the time of the Union.

Moved, "That the Bill be now read 2^a."
—(*The Lord Chancellor.*)

Motion agreed to; Bill read 2^a (according to Order), and committed to a Committee of the Whole House on Monday next.

House adjourned at Eight o'clock,
to Monday next, half
past Ten o'clock.

HOUSE OF COMMONS,

Friday, 23rd May, 1879.

MINUTES.]—SELECT COMMITTEE—*Report*—*Parliamentary Reporting* [No. 203].

PRIVATE BILLS (*by Order*)—*Third Reading*—*South London Tramways**; *Thames River (Prevention of Floods)*, and *passed*.

PUBLIC BILLS—*Resolution in Committee*—*East India (Loan)*.

Resolution [May 22] *reported*—*Great Seal [Salary]**.

Ordered—*First Reading*—*Barristers (Ireland)** [194]; *Registration of Parliamentary Voters (Ireland)** [195].

Second Reading—*Local Government (Ireland) Provisional Orders Confirmation (Cashel, &c.)** [141]; *Local Government (Ireland) Provisional Order Confirmation (Downpatrick)** [140]; *Common Law Procedure and Judicature Acts Amendment* [181].

Committee—Report—*Costs Taxation (House of Commons)* [190].

Third Reading—*Summary Jurisdiction** [169]; *Local Government (Poor Law) Provisional Orders** [155]; *Local Government Provisional Orders (Axminster Union, &c.)** [154]; *Local Government (Highways) Provisional Orders (Buckingham, &c.)** [161]; *Trustee Acts Consolidation and Amendment** [106], and *passed*.

PRIVATE BUSINESS.

THAMES RIVER (PREVENTION OF FLOODS) BILL.

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed,
"That the Bill be now read a third time."—(*Sir James M'Garel-Hogg.*)

COLONEL BERESFORD said, he wished to make a few remarks before the Bill passed, in order to point out the unjust mode in which many persons would be affected by the measure. He believed there was not an instance in the records of the Statutes passed by the House of the riparian owners being saddled with the expense of works necessary to prevent floods. Even the Bill just introduced by the Government—the Rivers Conservancy Bill—went upon the old lines; but the Metropolitan Board of Works, in the present Bill, desired to take that part of the Thames which passed through the Metropolis out of the hands of the Conservancy Board. For his own part, he failed to see why the Committee upon this Bill should have reported in favour of the riparian owners, being differently dealt with under this Bill from riparian owners in other localities. They must have known then that in the Metropolis the riparian owners were already mulcted in very large general rates. As a riparian owner himself, he contributed largely towards the funds of the Metropolitan Board of

Works, and he thought it unfair that he should be saddled with additional expense by the present Bill. He wished to remind the House that in 1877 a Committee sat on a Bill similar to the present, and by a decided majority—he believed by 4 to 2—they threw out the measure. Last year the hon. and gallant Member the Chairman of the Metropolitan Board of Works (Sir James M'Garel-Hogg) made several efforts to bring in a Bill. He failed; and now what was it that he did?

MR. SPEAKER wished to point out to the hon. and gallant Member that if he had any opposition to offer to the Bill the Motion for the third reading must be deferred.

COLONEL BERESFORD said, it would be useless for him to oppose the third reading, and he was not going to do so; but he wished simply to explain to the House the reasons which had induced him to resist its progress. He was of opinion that it involved unjust legislation, and he looked upon it as having been introduced by an irresponsible Board.

Motion agreed to.

(Prince of Wales's *Consent*, as Duke of Cornwall, signified.)

Bill read the third time, and *passed*.

QUESTIONS.

PUBLIC HEALTH (IRELAND) ACT— LOANS FOR PAVING WORKS IN DUBLIN.—QUESTION.

MR. M. BROOKS asked the Chief Secretary for Ireland, Whether he is aware that in reference to an application for a loan, under the Public Health Act, for paving works, the Local Government Board for Ireland have informed the Corporation of Dublin that, in the opinion of their law adviser, the Public Health (Ireland) Act does not empower the Board to recommend such loans, and that the Solicitor General has advised the Corporation to the like effect; whether such loans are not commonly granted to urban authorities in England under the Public Health Act (England); and, whether he will include in the Public Health (Ireland) Act Amendment Bill, now before Parliament, clauses to remove the disability

under which sanitary authorities in Ireland suffer, and afford to them advantages equal to those prevailing in England?

MR. J. LOWTHER: Sir, with reference to the latter part of the Question, I see no occasion for referring this short measure—the Public Health (Ireland) Act Amendment Bill—to a Select Committee. It deals only with a very small branch of the question, and is to repair certain omissions in the general Act. I will, however, make further application to the Treasury, with whom the question properly rests, with a view to ascertain whether there is any objection to extending the particular provisions referred to in the English Act to Ireland.

ARMY—THE WARRANT OF AUGUST 13, 1877—SUPERSESSION OF GENERAL OFFICERS.—QUESTION.

COLONEL NORTH asked the Under Secretary of State for India, Whether it is not under consideration to rectify the Warrant of 13th of August 1877, by which certain British General Officers were superseded by Staff Corps Officers; and, if he can state when this Warrant will be amended and the relative position of those officers adjusted?

MR. E. STANHOPE: Sir, the question of rectifying the Warrant referred to by the hon. and gallant Gentleman is still under the consideration of the Secretary of State for India in Council. No time shall be lost in the matter; but it is impossible at present to say when a decision may be arrived at.

THE PATRIOTIC FUND—POWERS OF COMMISSIONERS.—QUESTION.

MR. J. R. YORKE asked the Secretary of State for War, Whether the Patriotic Fund Commissioners have applied, since 1867, for any enlargement of their powers, in order to enable them to assist, out of any funds that may be placed at their disposal, the widows as well as the orphans of soldiers or sailors who may die in the service of their Country; and, if not, whether the Government propose to take any action in that direction?

COLONEL STANLEY: Sir, there have been some communications between the Commissioners of the Patriotic Fund and the Government with regard to this matter, but they are at present of an informal nature, and are still under con-

Colonel Beresford

sideration, and I am not yet able, therefore, to say what action the Government will take.

MINE INSPECTORS' REPORTS.

QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, When the Reports of the Inspectors of Mines are likely to be printed and placed in the hands of Members?

MR. ASSHETON CROSS, in reply, said, they ought to be on the Table either that night or on Monday.

ROYAL COMMISSION ON ACCIDENTS IN MINES—EXCLUSION OF THE PRESS AND CONSTITUTION OF THE COMMISSION.—QUESTIONS.

MR. MACDONALD asked the Secretary of State for the Home Department, If it be correct that the Royal Commission appointed to inquire into the cause of accidents in mines and their prevention, is holding its sittings with closed doors, or at least the representatives of the press have been excluded?

MR. ASSHETON CROSS: Sir, I have received a letter from the Secretary of the Royal Commission appointed to inquire into the cause of accidents in mines and their prevention, stating that, in accordance with what they understood to be the practice, the Commissioners had not allowed representatives of the Press to be present at their sittings. They have, however, gladly acceded to the request of the Miners' National Union and the Miners' Association of Great Britain that representatives of those respective bodies should attend the meeting.

MR. MACDONALD asked the Secretary of State for the Home Department, If it be correct, as stated in the "Standard" a few days ago, that representations had been made on behalf of the miners that they desired other persons appointed from important mining districts, who would more fully express and understand the wants of the mining population, considering that the demand for an inquiry had been chiefly urged by the workmen, and that a wish has been expressed that a number equal to that of the employers might be appointed on the Commission; and, whether it is the intention of the Government to give

effect to the representations that have been made to them on the subject?

MR. ASSHETON CROSS: Sir, it is true that an application has been made, and I am glad of the opportunity of explaining that the application was made under a mistake. This is not an inquiry granted on account of anything which the workmen have asked for in connection with the operation of the Mines Regulation Act. It is an inquiry instituted entirely through communications which have taken place between the Royal Society and myself upon questions of science; and as to whether what has been found out scientifically might not be applied practically for the purpose of lessening loss of life in mines. It is a purely scientific investigation for a purely scientific object, and has nothing whatever to do with the working of the Mines Regulation Act. At first, I was anxious that the Royal Society should take up the inquiry entirely by themselves, and it was at their request alone that I added certain names, because they wanted men of more practical habits to join them in the inquiry; therefore, four of each were taken to form the Commission. The noble Lord the Member for Wigan (Lord Lindsay) was added afterwards, not as having relations with coal miners, but as one of the Vice Presidents of the Royal Society. If the miners will remember that these gentlemen are strictly confined by the Order of Reference to the application of scientific knowledge to the saving of human life, I am sure they will be satisfied that they have made their application under a mistake.

MR. MACDONALD asked, Whether it was not a fact, within the right hon. Gentleman's knowledge, that Inspectors had been examined on the working of the Mines Regulation Act as regarded the labour of children and other matters?

MR. ASSHETON CROSS: Sir, I have information that that is the opinion of workmen connected with the mines. The examination of Inspectors was, of course, a necessary thing, and the Commission could never come to a proper conclusion without it; but the Secretary and the Chairman have assured me that any questions which may have been put relating to what has taken place in mines were purely incidental to the main object of the inquiry—namely, the application of scientific knowledge to the saving of human life.

**SOUTH AFRICA—THE ZULU WAR—
LORD CHELMSFORD'S DESPATCHES.**

QUESTION.

SIR ALEXANDER GORDON asked the Secretary of State for War, When he proposes to lay upon the Table of the House, Copies of Lord Chelmsford's Despatches of the 8th, 12th, 14th, and 23rd of February, the 2nd, 20th, and 25th of March, and of the 5th (from Colonel Bellairs), 10th, and 14th April 1879; and, whether, in future, by laying upon the Table of the House on the day they are published, *pro forma*, Copies of the "London Gazette" containing Despatches from the seat of war, he could arrange that Members might receive such supplements on the following morning as a Parliamentary paper delivered from the Vote Office?

COLONEL STANLEY: Sir, the despatches referred to have all received the widest possible circulation through the morning papers on the morning following their publication in *The Gazette*, but they can be included in Correspondence about to be given. With regard to laying upon the Table of the House, *pro forma*, copies of *The Gazette* on the day on which they are published, the objections would appear to be—1, that we should incur extra cost, amounting to £10 to £20 each issue; 2, that we should add little or nothing to the publication of the news; 3, that either the same Papers would have to be printed twice over under different Parliamentary numbers, or else gaps would have to be left in Blue Books which would, otherwise, contain a complete and connected narrative. I have, therefore, come to the conclusion that, unless there is a more general feeling than I am at present aware in favour of such a proposal, it would be unnecessary to alter the existing practice.

SIR ALEXANDER GORDON said, it was only by the despatches being laid on the Table that Parliament could have any official knowledge of them.

**IRISH PRISONS BOARD—INFIRMARY
SURGEONS.—QUESTION.**

MR. ERRINGTON asked the Chief Secretary for Ireland, Whether he is as yet in a position to state what course he intends to pursue with regard to the

Circular lately issued by the Irish Prisons Board, dismissing the infirmary surgeons from their positions as prison surgeons?

MR. J. LOWTHER: Sir, as I said the other night, the Circular referred to was not intended to indicate that it is the intention of the Government to remove the surgeons with a view to appointing fresh persons in their places. It was issued merely with the object of making fresh appointments, and the intention certainly was to appoint to the new offices those who held the former ones. As, however, some difficulties of a legal character were found to exist, the matter has been referred to the Law Officers.

**"GENERAL STATISTICAL ABSTRACT"—
FOREIGN TARIFFS ON BRITISH PRO-
DUCE.—QUESTIONS.**

MR. W. E. FORSTER asked the President of the Board of Trade, When the Return showing the Foreign Tariffs on British Goods in 1860 as compared with the present year, which was presented some time ago, will be printed and delivered to Members?

VISCOUNT SANDON: Sir, the right hon. Gentleman is under a slight misapprehension, for the Return was only presented on Tuesday last, it having turned out to be a very laborious business. I have given directions with respect to its being printed as quickly as possible, and I hope it will be in the hands of hon. Members at the beginning of next week.

MR. JOHN BRIGHT: Might I ask the noble Lord, whether it will be possible to produce, at the same time, a similar Return with reference to the Colonies?

VISCOUNT SANDON: I shall be happy to make inquiries, so as, if possible, to secure the wish of the right hon. Gentleman being complied with. It might, however, delay the presentation of the other Paper.

MR. W. E. FORSTER: Although the Return was only formally presented a short time ago, it has been practically ready for weeks, and it would be a pity that we should have to wait longer—

VISCOUNT SANDON: Then I will endeavour to give a subsidiary Return.

**SOUTH AFRICA—THE ZULU WAR—
RE-INFORCEMENTS FROM INDIA.**

QUESTION.

MR. RYLANDS asked the Secretary of State for War, Whether it is true that an application has been made to the Indian Government for re-inforcements to be sent to South Africa, and that the application has been declined in consequence of the Government of India having expressed a desire to retain the extra forces which were detained in India on the outbreak of the Afghan War?

COLONEL STANLEY: I am not aware, Sir, of anything which can give the slightest foundation for the report.

**PARLIAMENT—BUSINESS OF THE
HOUSE.—QUESTIONS.**

MR. MONK asked, Whether it was proposed to ask for a Vote on Account for the Civil Service Estimates before Whitsuntide?

SIR HENRY SELWIN-IBBETSON, in reply, said, he was very sorry that he would be obliged to ask for another Vote on Account, but he could assure hon. Members that he disliked having to do so as much as they did. Votes would be taken for one month, with the exception of two or three instances, in which Votes for two months would be asked for.

MR. NEWDEGATE wished to know what Business it was intended to take on Monday?

MR. DILLWYN also asked at what time on Tuesday it was proposed to make the Motion for the adjournment of the House for the Recess?

THE CHANCELLOR OF THE EXCHEQUER: Sir, we propose on Monday to take in Supply Classes 3 and 6 of the Revenue Votes; and also the Vote on Account to which my hon. Friend has just referred. As for the holidays, we propose to move the adjournment of the House at a Morning Sitting on Tuesday.

ORDERS OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

**THE BRITISH INDIAN ASSOCIATION.
RESOLUTION.**

MR. O'DONNELL, in rising to call attention to the reply of the Governor General of India to a deputation of the British Indian Association, which petitioned against the financial measures of the Government, and to the treatment of the Vernacular Press; also to the Vernacular Press of India, as instanced in the case of the Native journal, the "Shome Prokash," for adverse comments upon the Government policy in Afghanistan; and to move—

"That this House regrets that Lord Lytton and his advisers have shown such unwise disrespect for the sentiments of a vast population, which is at the same time deprived of all constitutional representation, and subject to a harsh and grinding taxation of the most oppressive kind,"

said, that as the concluding clause of his Amendment implied a censure upon the Government, and as they had engaged to reduce their Expenditure in India, he would withdraw that portion of it. India, as hon. Members were aware, had not the advantage of Constitutional representation, and the Viceroy ought, therefore, to be doubly careful so to answer deputations as not to discourage them from laying their complaints at the foot of the Throne. Now, the Association he had mentioned included the most respectable members of the mercantile community of Bengal, many of the largest landowners, and the most prominent Native members of the Indian Bar. Its distinguished loyalty had been commended by successive Governors General. Yet, he was sorry to say, the reply of Lord Lytton to the Memorial of that respectable Association conveyed censure in the most biting terms, and on more than one point seemed to impugn the veracity of the deputation. The Memorial was a protest against the financial measures of the Government with regard to Afghanistan and the diminution of the cotton duties; and the Viceroy, in reply, made many injurious reflections on the personal character and status of the members of the deputation, even reminding those of them who were rich that they owed their wealth to the action of the Government. The Viceroy was acting entirely on his own initiative, and by his own power without any active support from his Council. He told the deputation their statements were in noto-

rious opposition to the facts. When they pointed to the heavy distress and recent severe Famines, as an argument in support of their protest, the Viceroy appeared most injudiciously to imagine this reference was intended as an attack upon the Indian Government. The language in which he rebuked the deputation was most unbecoming in a Viceroy. Sneer after sneer, and offence after offence, were showered upon the heads of the deputation. Another portion of his Resolution referred to the interference with the Native Press of India. He referred to what he called the hostility with which the present Administration of India regarded the expression of opinion amongst the Natives of India. On the 18th of March there appeared in the official media of India a notice that the printer and publisher of a leading Native paper had been ordered to enter into a joint and special bond in the sum of 1,000 rupees for having published on the 24th of February a letter containing remarks and suggestions which were likely to excite disaffection to the Government and antipathy to the English race. On referring to the letter he found that it was no more than a criticism—from the point of view of a hostile critic, doubtless—on the Government neglect of Indian feeling, and what, in the view of the writer, were the drawbacks of the Government policy in Afghanistan. Hardly were the printer and publisher of the paper published in the Vernacular ordered to enter into these penal bonds than the *Deccan Star*, another Native journal, but printed in English, published a translation of this identical letter without incurring any penalty. The pettiness, the absurdity, the mischievousness, the foolish, hysterical, petty tyranny of a Government could hardly further go. If the Indian Government persisted in this course of conduct, they would establish an oppressive and grinding tyranny equal to anything that existed in Russia. The distinctions drawn between Native newspapers printed in the Vernacular and papers printed in English were not only offensive in themselves, but tended to impress the Indian people with the notion that, as subjects of the Queen, they were denied the rights which were enjoyed by Englishmen, Scotchmen, and Irishmen residing in the same country. The hon. Gentleman concluded by moving the Resolution of which he had given Notice.

Mr. O'Donnell

SIR DAVID WEDDERBURN, in seconding the Motion, observed, that it was difficult to exaggerate the painful impression which had been produced in India by the answer of the Governor General to the deputation of the British Indian Association. The Motion had his entire sympathy; and if the hon. Member pressed it to a division, he should have his support.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House regrets that Lord Lytton and his advisers have shown such unwise disrespect for the sentiments of a vast population, which is at the same time deprived of all constitutional representation, and subject to a harsh and grinding taxation of the most oppressive kind."—(*Mr. O'Donnell*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. E. STANHOPE said, he thought the House would regret that the hon. Member for Dungarvan (*Mr. O'Donnell*) had felt it his duty to interpose in the middle of a very important debate on the finances of India the discussion of a question which, although it might be important, might, at any rate, have been deferred to a later day. The hon. Gentleman, at a single day's Notice, and when hon. Members had not any official Papers before them to enable them to come to a proper conclusion on the subject, had moved a Vote of Censure on the Governor General of India. It was, therefore, his duty to the Governor General that he should say a few words in explanation. He might, however, state that he had no official information on the two points to which the hon. Member had referred, and only knew what he had been able to discover regarding them from the newspapers. With respect to the answer given by Lord Lytton to the deputation from the British Indian Association, which presented a Memorial to him, any hon. Member who chose to refer to the newspapers could read that Memorial and form an opinion upon it himself; and he thought that anyone who read impartially the account given of the proceedings on that occasion would admit that the Memorial was not only full of grave misrepresentations, but also of imputations against the motives of the Government of India. The

Viceroy, addressing the deputation in those circumstances, said—

"You have attributed to the Government of India views which it has publicly repudiated; you have imputed to the Parliament of England and the Ministers of the Crown satisfied acquiescence in a state of things which they have distinctly condemned; and you have ignored the duty, at all times incumbent on Her Majesty's Indian Administration, to act in honest accordance with the principles laid down for the guidance of its action by the authority from which its own is derived. As the Representative of the Sovereign of India, I regret that such language should have been held to me by the representatives of some of Her Majesty's most favoured Indian subjects; and as the responsible guardian of the general interests of the people of India, I notice with disappointment and surprise that you, who represent to some extent the wealthiest class in India, while deprecating forms of taxation such as the Bengal Land Cesses, which fall mainly on your own class, have not shrunk from advocating and urging on my adoption other forms of taxation which fall almost exclusively on the great body of the poor."

That was a perfectly accurate and just statement of what had been put before Lord Lytton. With regard to the Vernacular Press, he did not understand the hon. Member for Dungarvan to deny that what the Government of India had done was entirely legal. The hon. Member seemed rather to condemn the policy of the Vernacular Press Act. That was a question on which there was considerable discussion in the House last year. The Act was now in force, and under it proceedings were taken against the newspaper to which the hon. Member had alluded. The hon. Member had omitted, in giving his quotations from the article which appeared in that newspaper, the most offensive passage, and the one which brought it under the operation of the Statute. He would not lend notoriety to the passage in question by reading it to the House; but anybody who fairly took the article as a whole would acknowledge that the Indian Government were perfectly justified in the action they had taken in the matter. The hon. Member suggested that the Act had been used to suppress fair criticism upon the Government, but that notion could not for an instant be supported. Speaking in reference to the Act at a meeting of the Indian Legislative Council on the 16th of October last, Sir Alexander Arbuthnot said—

"The Act has so far justified, and, indeed, has more than justified, the hope which I ventured to express when it was passed, that the mere existence of this law would in a great

measure suffice to suppress the mischief against which it is aimed, and that the actual enforcement of its provisions would be a thing of very rare occurrence. As a matter of fact, seditious and disloyal writing—writing calculated to inflame the minds of the masses and to bring the Government into contempt—has been entirely stopped. At the same time, there has been no interference with the legitimate expression of opinion. The liberty of the Press has not been in any way restricted."

The only case in which the Act had been put in force was that to which the hon. Member referred. He had made these remarks solely in justice to the Viceroy, who had been attacked at a moment's notice, and he hoped that the House would now pass to the important Business which stood before it.

MR. O'DONNELL wished to remind the House that the subject-matter of his Motion was a month ago placed on the Paper antecedent the Motion for going into Committee of Supply, and to explain that he had more recently changed its position, as a matter of convenience, from Committee of Supply generally to Committee of Supply on a subject to which the Resolution was germane.

Question put.

The House *divided*:—Ayes 215; Noes 36: Majority 179.—(Div. List, No. 109.)

Main Question proposed, "That Mr. Speaker do now leave the Chair."

THE NETTERVILLE TRUST PROPERTY —THE LOUTH INSTITUTION.

OBSERVATIONS.

MR. KIRK, in rising to call attention to the way in which the Netterville Trust property had been managed for the last 18 years by the Trustees, especially with regard to the Louth Institution, said, his object was to secure an inquiry into the subject. The late Lord Netterville, by his will, left some fee-simple property and a large funded property for a particular purpose, and the executors proved the will in 1832, one of the things inserted in it being that there should be a school established; and a subsequent codicil showed that Lord Netterville was most anxious that this school should be established. The property which was bequeathed to the Louth Institution consisted of 52 acres of fee-simple land, and some £10,000 or £12,000 of funded property. The Trustees thought that, in order to get the school thoroughly established, they could not do better than incorporate it

with the National system, as far as week-days were concerned, and a Sunday-school was also to be established. The school was carried out to the satisfaction of the people in the surrounding district from 1836, when it became one of the National Board, to the year 1866, when Mr. Gradwell became an acting Trustee for the property. He lived on the spot, and it was thought he would be better able to carry out the bequests of the trust than other persons could. Well, they found Mr. Gradwell, a very short time after he was named as an active Trustee, in connection with the other Trustees, bringing forward a scheme before the Master of the Rolls in Ireland to sell a portion of the trust property, which, according to the will and codicil of Lord Netterville, was to remain for ever unsold, in order to benefit the widows and orphans. The scheme having been put before the Court, an order was granted in 1864 to carry out everything in the scheme, and a portion of land was to be sold, in direct opposition to the will of Lord Netterville. The order also gave power to the Trustees to grant leases to the tenants for 31 years; but the Trustees did not inform the occupiers of the land that these leases could be granted, and they were thoroughly in ignorance of this provision in the order; but Mr. Gradwell availed himself of the opportunity of selling to himself this trust land. He (Mr. Kirk) had a thorough knowledge of this land, because he had walked over it and seen what it was. The scheme put before the Court was a fair one to look at, saying that 30 years' purchase was to be paid for the land, and no doubt that was a long period; but when they considered that the land was inside Mr. Gradwell's own demesne, he might well have been willing to give 100 years' purchase in order to get possession of it. He bought 12 acres, for which he paid £1 an acre, which, at 30 years' purchase, amounted to £360. The land was covered with large trees, and it could be proved that Mr. Gradwell had already cut down more trees than would pay the purchase money, and there were as many trees still standing as would pay the purchase money over again. He, therefore, thought the object of the trust had been grossly violated, and three times the money would have been obtained if the land had been sold to any-

body else. Then, in this section, there were two or three other provisions. One was, that the school-house was to be turned into a chapel, Mr. Gradwell thinking that it was necessary for the inmates of the institution to have a chapel. But there was this fact to be borne in mind. Some time before Mr. Gradwell had had a quarrel with the parish priest, and he refused to go to his church; and as it was very inconvenient for him to go many miles to another church, he was very anxious that he should have a chapel close to his own house. The Bishop at first refused to allow the private chapel; but he subsequently said he would make a compromise, remarking that for a number of years Mr. Gradwell had paid no dues to the priest, but he would allow the chapel provided he consented to pay dues. Mr. Gradwell assented, and the chapel was fitted very comfortably indeed. There was a large fire in it on Sunday, and Mr. Gradwell took the first seat beside the fire for himself and his family. This showed how anxious he was about the inmates of the institution, who were poor widows, and they had to remain in the background. Another portion of the scheme was that a school-house was to be fitted up, and the school removed thereto. After some time, the attention of the public was drawn to the fact of the school not being established, and the Commissioner of Charitable Bequests was written to, and he replied that the order had been given for the establishment of the school. Consequently, Mr. Gradwell had misled the Court of Chancery by stating that the school was established in 1864. When he (Mr. Kirk) examined it, there was no roof nor ceiling, and so it remained until a few years ago, when it was taken down for the erection of a new place. In 1864, Mr. Gradwell purchased for £360 the deer park, which, if the inquiry were granted, would be shown to have been worth six times the amount. Then he was anxious to have another portion of this property—at least, so it was asserted in the newspapers, and by an hon. Member who brought forward the case not very long ago. This being the case, he picked a quarrel with an industrious, hardworking, and independent man; and one of the great things which he brought forward as objectionable with regard to this tenant was, that he had

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expended too much money on the property. There was also another matter. There was a piece of antiquity which had been disturbed by the Royal Irish Academy. He (Mr. Kirk) regretted that the Bill of the hon. Baronet the Member for Maidstone (Sir John Lubbock) for the protection of ancient monuments was not pushed forward with more vigour, so as to protect such antiquities; and no one would condemn the tenant more than he would for disturbing a single stone of an ancient monument. Well, that antiquity in question—a moat—was disturbed and excavated, and the Trustees permitted it to be done, and did not replace the stones and put pressure on the Royal Irish Academy to put the stones in the same position again. They allowed them to be taken away, for a number of years, from the field where they lay loose around. Mr. Gradwell picked a quarrel with the tenant, on the ground of having taken stones away, and said he would eject him. There had been happy relations in that district between landlords and tenants, and the people were sorry to see that those happy relations could be disturbed by such a miserable quarrel, and they called on a few hon. Members of the House to go down and try to settle it. The hon. Member for Meath (Mr. Parnell) and himself (Mr. Kirk) went down, and were met, in a tenant's house, by the acting Trustee, who seemed to a great extent to come to their views. The tenant was anxious for a lease, and said he would even pay an increase of rent, and the acting Trustee solemnly told them that it was the determination of the Trustees that no lease should be granted; but he had at the time in his pocket a letter from one of the Trustees in favour of the tenants having a lease. They tried to settle the case, and thought they had done so, conditions being drawn up; but the persons who did not comply with those conditions were Mr. Gradwell and the Trustees, who imposed new conditions, and the man was evicted. The tenants had been persecuted for five years, and harassed and mulcted in law costs, and the end of it was that he left his holding on a cold winter's day, with frost and snow on the ground. The tenant put in his claim before the County Court Judge for the county of Meath for compensation, under the Land Act of 1870, for disturbance, and also for

the value of the buildings which he had erected. There was not one single stone on another in regard to buildings when he came into possession. The tenant stated that he had expended upon the buildings £1,860. As a set-off to this amount, Mr. Gradwell put forward an item of £150 for deterioration of the property. Mr. Gradwell wanted to compromise the matter on the land being given up to him, and he offered to let the tenant certain property for £15 a-year. He wanted to deduct for the deterioration of the property by the buildings, and, on the other side, to let certain property at £15 a-year for the expenditure of the tenant. By the will of the late Lord Netterville, it was clearly laid down that there was to be a Sunday school in the old castle, and the Gothic room was to be laid out specially for the children of the neighbourhood. A school was to be kept up, and a master employed at a certain sum to educate the orphan children, and also the children of the neighbourhood. Mr. Gradwell got rid of the schoolmaster, and of everything in connection with the school, and now he had a matron who was, he said, qualified to teach the orphans and other children. He (Mr. Kirk) had no fault to find with her, as the matron of the establishment; but certainly she was not competent to instruct the children. This also was a violation of the will of Lord Netterville. There was no school at all, and had not been one since 1864. He thought, also, there must be some truth in what he understood was stated by reliable persons in the neighbourhood, as to the neglect of some of the inmates, and therefore he was anxious for the inquiry, which might have the effect of clearing Mr. Gradwell of these charges. When he (Mr. Kirk) visited the institution, in 1876, he found it in a deplorable state. In the dormitory the children were lying literally on rags. A garden had been kept up for the benefit of the inmates, but he found the garden turned into a place for a man to keep a horse in, and a very small piece of ground set apart for the inmates to walk up and down. This, again, was, he thought, a violation of the trust. The people of the district had risen up against the acting Trustee, because they believed he had done a great many injustices, and an inquiry was absolutely necessary. He

considered that he had made out a clear case for inquiry into the matter in regard to a good, honest, and hard-working tenant; and if such an inquiry were granted, he believed such a case would be made out as would guarantee the proper working of the institution in the future. The case had been before the country for a long period, and had caused greater excitement and disturbance in Louth and Meath than anything that had occurred for a long time. If the Attorney General for Ireland thought the present was not a proper time for the granting of the inquiry, he would bring forward the matter again.

THE ATTORNEY GENERAL for IRELAND (Mr. GIBSON) thought the course taken by the hon. Member for Louth (Mr. Kirk) was scarcely one that would commend itself to the House on the ground of expediency. The Notice had appeared on the Paper for the first time the day before, and he thought that where such a matter was brought forward Notice should be given in a clear and specific manner, so that the gentleman whose conduct was impugned might have an opportunity of applying to his friends, or any officials he thought proper, and acquaint them with the subject; but it was obvious that the first and only Notice of such a matter, dealing as it did with the administration of a private institution, and impugning the conduct of a certain Trustee, should have been given previously to the day before that on which it was brought on; and he had himself, in a private conversation, intimated to the hon. Member the inconvenience which would result from bringing such a subject before the House without specific Notice being given to the parties principally interested. Another inconvenience of such a course was that the matter was practically under adjudication in Ireland at the present time. He was aware that the hon. Member for Louth was accurate in saying that the exact point which he had brought forward was not *sub judice*; but, practically, it was so, for the matter connected with the charity were indirectly involved in the case, which was tried before the County Court Judge on the 7th or 8th of the present month, and, after a hearing, was adjourned till the 4th of July. Was there, he asked, any reason why resort should be made to that House as a final Court to hear all the abuses which might

be connected with the case? Had any case been made out by the hon. Member? He himself (the Attorney General for Ireland) knew nothing of the case except what he had read in the newspapers; and it appeared that the case referred entirely to the Netterville Trust property, which was private charity, and the ordinary Courts of the country were fully open, and had been open since the constitution of the charity, to anyone who thought there was a grievance; and there was nothing at all to prevent any person taking the case to the Court to have it decided, and if there was anything against any of the gentlemen connected with the affair—if any of them had violated the trust—redress could be had before the ordinary tribunals of the country. But that was not the sole resource open to them. There was a body in Ireland called the Board of Charitable Donations and Bequests, which attended very closely and jealously to all complaints made against charitable estates, and, if necessary, directed the attention of the Attorney General to the subject. It was obvious that what the hon. Member had referred to were matters of detail, possibly important details. He had referred over and over again to the circumstances that the will of the late Lord Netterville had been violated, and had referred to certain provisions; but, surely, these were matters which should be taken to the Law Courts, and not brought to the House of Commons. He held that it was to the last extent inconvenient, unless in a case of supreme necessity, that such cases should be brought before the House of Commons before they had been submitted to the ordinary tribunals of the country. He noticed that a document was read by the hon. Member, the appearance of which was very much like a brief; and he would have thought that that might have suggested to the hon. Member that it would have been far more proper to have addressed his arguments to the ordinary Courts of the country than to the House of Commons. The hon. Member had expressed the hope that the Attorney General would look into the matter; but his Motion was really to bring the whole of the matters connected with the charity and its administration during the last 18 years before the House. As far as he knew, no inquiry had yet been instituted in connection with the general case, nor

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had any application been made to the Commissioners of Charitable Donations and Bequests, while he was sure it had not been brought before the notice of the Attorney General in his official capacity in any shape; and, therefore, he did not think it was reasonable to bring the matter before the House. Under these circumstances, he thought the hon. Member would have acted more reasonably had he accepted the suggestions made to him before he rose to address the House.

MR. SULLIVAN said, *primâ facie*, it seemed inconvenient to bring such a question before the House, and not to take it before the Courts of the country, or to bring it on without giving notice to the parties whose conduct was impugned. But the fact was that it had not been brought forward until the people of the district had, as they thought, exhausted every form of redress known to the law in Ireland. They subscribed money to bring the matter into the Court of Chancery, where it was decided that they had no *locus standi*. They were put out of court, and had to pay the whole of the expenses of the application. That would show the Attorney General that the House of Commons had not been hastily appealed to in the matter. With regard to the notice to the parties concerned, there was no matter more notorious in that part of Ireland than that the junior Member for Louth had pledged himself on the subject, and it was well known to Mr. Gradwell and all concerned that he came over to carry out that pledge. He knew that Mr. Gradwell and his friends felt that that would lead up to a real and earnest inquiry into the abuses which existed, and were not at all taken by surprise. If it was said that the matter was a purely local and petty one, he contended that no matter was purely trivial which caused such excitement as that had caused in Louth and Meath. The case had been for three or four months the cause of great exasperation and considerable mischief; and he could pledge his word to the House that, from letters which had reached him, the case had caused the most intense alarm and exasperation. Here was a case of a public charity, the conduct of which was gravely impugned. The people in the neighbourhood had exhausted all the forms of law, and, in doing so, had been mulcted in costs in endeavouring to

bring it to the light. Surely, in such a case, it was right for the people's Representative to make good the claim of the people, not for punishment, but simply for inquiry. When the eviction took place, the scene that was witnessed was unparalleled for 150 years. From all quarters the farmers sent in their carts to assist in drawing off the wood which was the property of the tenant, and testified their sympathy in other ways; while Colonel Maguire, magistrate of the county, took the, apparently, dying man into his own room, and tended him. The case disturbed the social relations, in two large counties, between landlord and tenant, and between the magistracy and the people, and that in connection with a public charity. He deprecated that there should be a Dotheboys Hall in Louth, while there was a sum of £3,000 accumulating, which should be spent for the benefit of the children concerned. The tenant to whom reference was made was a most respected and upright man; and, in the interests of the people of Ireland generally, he contended that the inquiry asked for should be granted.

MR. SERJEANT SHERLOCK said, the Notice contained a charge against the Trustees of having mismanaged the trust estates for the last 18 years. He was personally acquainted with two out of the three Trustees, and he believed those two gentlemen to be incapable of any act of misconduct or neglect in reference to the property confided to them. He did not say the House was not competent to inquire into such a matter; but it was certainly a novel course to take. The hon. and learned Member for Louth (Mr. Sullivan) said the parties had appealed to the Court of Chancery, and everyone knew that the Court of Chancery had power to investigate the affairs of that and every other charity. In fact, that Court was essentially the tribunal to deal with such matters, and if good grounds for an investigation were made out an investigation would be granted. Then, again, they had in Ireland the Board of Charitable Bequests, which had power to investigate the cases of charities misapplied, withheld, or concealed; and if this Mr. Gradwell, being a Trustee, became the purchaser of the trust property at a gross undervalue that had only to be stated to the Court of Chancery for an investigation to be granted. As to

eviction by Mr. Gradwell of a tenant on the estate, he believed that was still *sub judice*; the County Court Judge had not announced his decision; and if it was found that it was a case which the law did not reach, then let them bring it forward in Parliament. But do not let them trammel it with a charge of misapplication of trust, which could be duly dealt with by the ordinary tribunals of the country.

Mr. CALLAN said, he could not share the view of the hon. and learned Member for King's County (Mr. Serjeant Sherlock), that the House should not enter into the merits of the case, but should leave them to the ordinary tribunals of the country. He had heard the arguments used in 1870, that the House should not intervene between the tenants and the ordinary tribunals; and he trusted that the hon. and learned Member for King's County would enunciate these principles to his constituents at the next Election. The hon. and learned Member had shown a deplorable ignorance of the merits of the case, because he had stated that the people of the district appealed to the Court of Chancery with reference to what he (Mr. Callan) would call a sale by the Trustee to himself of trust property. There was no such appeal; no appeal was made on that point. They applied to the Court of Chancery on a point which concerned themselves—namely, the school of the widows' house. Early in the present century—40 years ago, and more—the late Lord Netterville made a bequest of a charitable character, in which he gave his own residence as a widows' house. Trustees were appointed to carry out that bequest, until an English adventurer—he used the word advisedly, but not in the sense of being an impecunious adventurer—an English monied adventurer—came to Ireland in the Famine years, and when property was selling at four, five, or ten years' purchase, he purchased property there. Mr. Gradwell became the Trustee of this property. He was bound to make to the Court of Chancery a true statement of the purchase he had made. Even professional men were viewed with great suspicion when they purchased in the Landed Estates Court. But Mr. Gradwell was the sole acting Trustee, and he concealed the fact from the tenants that they could purchase their

holdings, or take leases of 31 or 41 years. In 1864 he proposed to the Court, without the knowledge of the tenants or the surrounding gentry, to become the purchaser of 12 acres of a deer park. There were upwards of 1,000 trees in it. Mr. Gradwell bought this land for £360. If it had been put up at Drogheda at the time it would have fetched £1,800. Was not this House the proper place to bring forward such a flagrant case? Those 12 acres were an historical spot. They overhung the scene of the battle of the Boyne. He had nothing to say as to the eviction of Mr. Elcock, except that he believed there were some faults on both sides. The bit of a farm from which he was evicted was opposite the entrance gate of the magnificent mansion of which Mr. Gradwell became the owner in the depressed times, and Elcock had the effrontery to build a haystack opposite the entrance gate to Mr. Gradwell's castle. This came between the wind and his nobility. He ordered it to be removed. Mr. Elcock sent back a rude message, and the reply was a notice to quit. But these were small matters which were to be dealt with at the Meath Sessions in July. After such charges had been made, he thought it was incumbent on the Attorney General and Chief Secretary to put the Charitable Bequests Commission in motion, and have an inquiry. What would be thought of it in Ireland, if there was no inquiry after such charges had been made as he (Mr. Callan) made now, undertaking to prove every iota of what he had stated as to Mr. Gradwell and his dealings with the trust property.

Mr. J. LOWTHER said, he thought that great exception could be taken to the manner in which this question had been brought forward. He did not refer to the fact that it had, so to say, nicked in in the middle of a debate on another subject, for he had always contended for the undoubted right of private Members to avail themselves of their legitimate privileges, and especially now that from various causes the opportunities they possessed of raising discussions had become somewhat diminished, he felt more than ever that Members were acting strictly in accordance with what was their right in retaining their places upon the Notice Paper; but he did not think that a Notice, given

Mr. Serjeant Sherlock

in yesterday in the vague terms in which this appeared, could be regarded as sufficient. He (Mr. J. Lowther) never, until the Notice appeared, heard of any of the places referred to, and had never, until now, had the good fortune to hear of the gentleman who had been spoken of in such scathing terms. At one part of the debate he was likened to Mr. Squeers, further on he was called an adventurer, and latterly he appeared as a fraudulent Trustee, and he did not know what he might not become by the time the debate terminated. He was asked to commit the Government to grant an inquiry; but, so far as he had been able to gather, he had heard nothing to justify him in assuming that this gentleman had done anything wrong. He might have committed everything that had been alleged against him, but he had had no such circumstances brought to his knowledge, and there had been no time to obtain information which would justify him in forming a judgment on the matter; and it was contrary to the usage of this House to bring forward serious charges of a personal nature—charges of direct fraud and malpractice—without those who were appealed to, to express an opinion or announce their intention of adopting an unusual course of action, having the slightest opportunity of making themselves acquainted with the subject. He hoped, therefore, that the House would not continue the discussion, which could not possibly lead to any useful result, but might be the means of doing considerable harm, because the persons whose conduct was impugned had had no means of communicating their defence.

MR. PARNELL said, that the Chief Secretary and the Attorney General had done their best to stifle the discussion; and in the very remarkable speech that had just been heard from the Chief Secretary—not, indeed, remarkable for him, but remarkable for a Gentleman in his position—he stated that he had never heard anything of a question that had resounded throughout the length and breadth of the country of which he was supposed to be the Governmental Representative in this House. When the Chief Secretary coolly told them that he had never heard of these places, and never heard of the name of Mr. Gradwell, he was driven to the conclusion

that the right hon. Gentleman must think that the responsible affairs of his government were entirely beneath his notice. If there was one question that had attracted greater public attention in Ireland than another during the last three or four years in the newspapers and in the Courts of the country, publicly and open, and everybody to hear and see, it was this case of Mr. Elcock and the Trustees of the Netterville charities. He was thoroughly surprised that the Chief Secretary, who might be supposed to take some little interest in Irish questions, declared that he had never heard of these places or of the parties in this question. The Chief Secretary also said he had heard nothing which sustained the charges brought against Mr. Gradwell. It was usually supposed that neither a trustee nor an agent could be the purchaser of property of which he was the trustee or agent. Mr. Gradwell, who was both agent and trustee, had the audacity to sell to himself a portion of this property, and there was considerable doubt about its confirmation, and the Courts of Dublin refused for some time to sanction the purchase. It was only on the promise of Mr. Gradwell that he would set up certain schools and afford certain advantages to the charity that the sale was effected. He (Mr. Parnell) was disposed to think that even now if the matter could be brought before the Courts the sale would be set aside. But the people who were interested were very poor; they were humble tenant farmers, and their efforts to set things right had come to grief for want of means. Besides, the laws governing trust property in Ireland were so imperfect that it was difficult for people to get justice done. He (Mr. Parnell) thought sufficient Notice had been given, and he thought the hon. Member for Louth (Mr. Kirk) would have been violating his duty if he refrained from taking advantage of the opportunity of bringing the case before the House, because at this period of the Session the opportunities of private Members were very few. Mr. Gradwell had had plenty of notice. He had had two or three months' public notice, and could long since have instructed some Member to defend—if, indeed, he could get a Member of the House to defend his conduct—which he (Mr. Parnell) very much doubted. It appeared to him that

nothing would have pleased the Chief Secretary or the Attorney General more than the statement that there were not sufficient grounds or sufficient motives for the action which was taken. They were told that they had no right to bring this subject forward, because it was a trumpery case, and one which the House could not listen to; but those whom he represented did not consider it a trumpery case. The people of the country had publicly sympathized with Mr. Elcock in the most emphatic manner. His neighbours were encouraging and receiving him, and two officers of Her Majesty's Army had given him the shelter in which he stood so much in need of. If any person was banished for being wrong it should not be Mr. Elcock; and if he suffered for removing any of these stones, so should Mr. Gradwell. The question was one of 30 years' standing, and now it was attempted to be set up as an excuse for removing Mr. Elcock from his holding. The Archæological Society of Dublin allowed him to remove stones for building purposes, and it was impossible that he could restore the moat to its former condition under his agreement. If that was to be done, according to the reading of Mr. Gradwell, an agreement was entered into to refer the matter to arbitrament of the law, but that was not carried out. Mr. Elcock therefore proceeded in his old manner, and, but for the charity of his neighbours, he would have lost property to the extent of many thousands of pounds. The law had since removed him from his holding, and the only question was the amount of compensation he was to get for his permanent improvements, and nothing had been said against his claim in that direction. The whole thing resolved itself into this—that the Trustee, instead of recognizing his position as a Trustee, had mismanaged affairs, and there seemed no possibility for the people of the locality to get redress. Their only redress was to come to the House and ask of the Government officials to take an interest in their case. He hoped the Chief Secretary would be better informed upon the subject after the Whitsun Recess than he was to-night, and that in the interim he would devote his attention to this very important Irish question. He assured him that in doing so his time would not be thrown away. It was a case of life and

Mr. Parnell

death with Mr. Elcock. That gentleman was in a dying state in consequence of these troubles, and if the result of this Motion were to direct the attention of the Law Officers of the Crown to this iniquitous and scandalous case, the Chief Secretary might put some machinery in motion by which justice might be done to Mr. Elcock, and which would remove the property from the scandal and reproach under which it now existed.

SIR JOHN LUBBOCK was sorry that the hon. Member for Meath had attacked the Royal Irish Academy, an institution of which every Irishman ought to feel proud. The hon. Member alleged that the Academy had commenced this work of destruction, whereas their chief object was to preserve and maintain all the ancient monuments illustrative of the history of the country.

Motion, by leave, *withdrawn*.

Committee *deferred* till Monday next.

INDIA — EAST INDIA REVENUE ACCOUNTS—FINANCIAL STATEMENT.

COMMITTEE.

ADJOURNED DEBATE. [SECOND NIGHT.]

Order read, for resuming Adjourned Debate on Question, [22nd May], "That Mr. Speaker do now leave the Chair" (for Committee upon East India Revenue Accounts).

Question again proposed.

Debate *resumed*.

SIR GEORGE CAMPBELL said, it was very evident, so far as the time of the House was concerned, that the Government proposed, and the Irish Members disposed, for both that night and last night they had occupied the time in discussing their own questions, instead of Indian finance. He hoped the Government would give ample opportunity for the subject to be fully discussed. He might say, at the outset, that he did not intend to move the Amendment which stood in his name, and which was to this effect—

"That this House regards with apprehension the state of the Finances of India, and is of opinion that they are not sufficiently controlled. Her Majesty's Government having disregarded the letter and provisions of the Acts for the better government of India on that subject."

The hon. and learned Member for Oxford (Sir William Harcourt) had given

Notice of a Motion for a future day which involved very much the same principle, and as a great Constitutional question was at stake, it was better in the hon. and learned Member's hands than in his. He did not propose to enter on the question of the loans, because he understood that the Resolution with regard to the loans would only be passed *pro forma*, and that the Chancellor of the Exchequer had promised a day upon which the subject would be fully discussed. He must heartily congratulate the Under Secretary of State for India (Mr. E. Stanhope) on the clear and able way in which he had made his Financial Statement. He concurred very much in what he had said, and welcomed the improvement in the general policy of the Government. His only objection to the speech of his hon. Friend was that it seemed to be somewhat too sanguine and rose-coloured, and that it exaggerated in some measure the good points in the finances of India, while it minimized the bad ones. Though the speech had charmed his hon. Friend the Member for Hackney (Mr. Fawcett), so that, beginning by cursing he remained to bless, he, for his part, did not think there was much in the speech which was a surprise to those of them who had studied the subject. The Under Secretary had taken great credit for the reductions of Expenditure which were to be effected; but of what did they consist? With regard to the Civil Services, they cost some £12,000,000 or £13,000,000 a-year, and the general result of the economy that was to be exercised was not to reduce the expenditure all at once, but it was to take place a little at a time, so that some time or other a saving of £250,000 was expected. Though he was thankful for small mercies, he did not think that would be likely to create a revolution in the state of the finances. With regard to the Military Department, which involved an expenditure of some £17,000,000 or £18,000,000, the hon. Gentleman told them how difficult it was to reduce the expenditure, and stated there was to be a Committee of Inquiry. But an inquiry might suggest changes which would cost money, and might mean increase of expenditure as well as reduction, so that they must consider the reduction of Army expenditure as a thing which might or might not be in the future. The one item in

which there was a substantial reduction was in public works. That was a very easy remedy; but it meant cutting down those works which went to the improvement of the country. He did not think this change by any means all improvement, for it would result in the stoppage of many very useful and necessary works. Practically, deducting the military works and works which must go on, they were going to cut down by one-half the expenditure upon ordinary public works. Already it was a reproach to the Government that they had carried their reductions in that Department too far. He was told that it was distressing in Madras to see the extent to which works had been stopped. Even the roads and tanks were not being repaired. There was also, they were told, to be a saving in regard to the extraordinary public works, although the matter was at present before a Committee upstairs. He very much regretted that the hon. Gentleman had anticipated the decision of the Committee, and, for his part, he did not at all approve of the proposal to limit the extraordinary public works to £2,500,000. If they were to carry out remunerative public works, and such works were really before them, he thought they had far better spend £10,000,000 at once, than go on letting out money in slow and wasting dribbles; and, on the other hand, if they had not such works, there was no reason to spend £2,500,000 or any other particular sum. He thought the Government were right to take measures to reduce expenditure where they could; but the fact was that they had entered into such dangerous and expensive political complications on the Frontier of India as to create a deficit, and they were obliged, if he might so express it, to starve the most necessary works and the most necessary part of the administration. He must protest against the airy way in which the Under Secretary had spoken of the "late war" as a matter which had been settled for £2,000,000, and which was something in the nature of a bagatelle. He must protest against the idea that, because the Government had got hold of an Afghan who was willing to make terms with them, they had brought the political difficulty to an end. So far from that being the case, he believed that the present negotiations would be found

to be only the beginning of further troubles and of further expenses. They were treating not so much with the *de facto* Ameer of Afghanistan as with a man who hoped by their aid to become so, and they might find that they had a second Shah Soojah on their hands. There could be no doubt that a crisis had been arrived at in Indian finance, and it was necessary to do something in order to get matters out of their present lamentable condition. Not only did figures show that the finance of India was in an unsatisfactory state, but recent news from that country regarding disturbances in the Bombay Presidency was of an extremely serious character. He was not an alarmist, but the accounts which had come to hand of overt discontent and of open defiance were very grave; indeed, he might say, speaking with an experience of almost 40 years, they were assuming proportions which he had never known before. There could be no question that those disturbances were connected with the financial position of India, and with the position of some administrative matters in our great Eastern Dependency. He believed that the disturbances to which he referred were caused, in some degree, by taxation which was felt to be an injustice, and also, in some degree, by the stoppage of public works, which took away labour from people who would otherwise be employed. India having arrived at a situation of chronic deficits, he would ask the House coolly and deliberately to look at the situation. First, was there excessive taxation in that country? In his opinion, there had been some exaggeration in what had been said about heavy taxation in India. The real amount was about £40,000,000 when they cleared away the padding of the accounts, and that was derived from six great sources, some of which he maintained were not taxes at all. The first was the land revenue, which was really in the nature of reserved rent, and as landlords we had perhaps dealt hardly with the ryots of Bombay and some other districts. Then there was the opium revenue which was paid by the Chinese. Next came the Excise, a comparatively small amount obtained from noxious articles of consumption, and nobody would wish to see that reduced. Then there were the stamps, and the Customs re-

venue, which was altogether inadequate to the size and resources of India. The only real considerable tax felt by the people was that on salt, which, unfortunately, occupied the position of the property tax in this country, in being raised to meet extra burdens. He regretted to find that the Under Secretary had fallen into the groove in which all the officials of the India Office ran—that of regarding the salt tax as the “horse of all work.” The salt tax was in the nature of a poll tax; but there were limits beyond which it could not be raised. He thought the Government had committed a grave error in imposing the additional £300,000 which was to be produced by the last increase of the salt duty; but he confidently hoped that now that money had been abandoned, the Government would see that they had reached the ultimate limit of that tax. The other sources of taxation would not yield much increase of Revenue, and the only alternative seemed to be local rates, locally administered, for local works. He sympathized very little with the British Association in Bengal; but they certainly had the strongest reason to complain of an unwarrantable breach of faith on the part of the Government of India in absorbing the additional rate which had been imposed on the land revenue in Bengal for a Famine Fund in the general administration and defence of the country. The Government had also thought it necessary to attempt additional direct taxation. They first tried an income tax; but that had been surrendered, and the infinitely worse scheme had been resorted to of a licence tax. The income tax had been abandoned in response to the cry of the rich and noisy, and its remission had only benefited rich people, whereas the licence tax contained all the worst features of the income tax, and, from a political point of view, was infinitely more dangerous. For every rich man who was relieved by the remission of the income tax a hundred poor persons were affected by the licence tax. Last year he ventured to predict that the imposition of this tax would lead to political disturbance, and his words had come true to a lamentable degree. But the Government had not only imposed a most unpopular tax, they had surrendered the cotton duties, of which no one in India had complained. Those duties, and the

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tax on sugar, had been surrendered in deference to Lancashire opinion in this country, or to the crochets of the present Finance Minister of India. It might be right or wrong to remit the cotton duties; but when hon. Members considered the Motions placed on the Paper, and the speeches made on one side of the House and the other, as if the remission had taken place in the interest of the people of India, it was difficult for them, like the Roman augurs, to look at one another without smiling. He believed a well-founded irritation had been created and was felt largely in India upon this subject at the present moment. With regard to the whole subject of taxation, he thought India was not excessively taxed; but the rich were scarcely taxed at all. With regard to retrenchment, he very much agreed with Lord Northbrook in the extract read by the Under Secretary last night. No doubt, the work of retrenchment would require a firm hand; but the necessity for it was so urgent that he hoped the House would strengthen the hands of the Government now that they said they were prepared to deal with it. One advice he would give to Her Majesty's Government was that if they wished to set an example of economy to India they should begin at home. No doubt, over by far the greater part of the Home expenditure Her Majesty's Government had no control. The amount really spent at home was only some £275,000, not a large sum to work upon; but, nevertheless, something could be done. There were some items not fixed by Act of Parliament, on which excessive extravagance on the part of the Government was shown. For instance, no fewer than eight holders of some of the highest posts at the India Office had been pensioned off, not under superannuation rules, but under what was called re-arrangement of Offices, the fact being that it was thought desirable to promote certain persons; others were dissatisfied, and so were allowed to retire on pensions varying from £733 6s. 8d. to £340. There was no reduction in the expenditure of the Office; on the contrary, there was an increase in the staff. He quite agreed with the Under Secretary that we could not safely reduce our Army in India, though, with short service, some radical re-arrangements might be

necessary. He wished to express his entire concurrence in the measure the Government had announced for the reduction of the numbers of the Civil servants. By more largely employing Natives we should do more justice to them, and by employing fewer Europeans the flow of promotion would be improved in the upper ranks of the Service. He did not think, however, that the Natives would be very well satisfied if they were not paid as well as Europeans. When he was at the head of the Government of Bengal, he endeavoured to substitute cheap Native for dear European labour, thinking that he would secure the eternal gratitude of the Natives; but he was never so greatly or continually abused for anything he had done. They said that if they did the same work they ought to be paid at the same rate. With regard to the remission of the cotton duties, the Under Secretary of State for India had stated, in reply to a Question, that that remission was made with the knowledge and sanction of Her Majesty's Government; but he subsequently said the sanction was conveyed in a confidential telegram of a private nature which could not be produced. He maintained that it was absolutely against the law that the sanction of Her Majesty's Government to an important financial measure should be conveyed in a private telegram. But this was not a single instance. On the question of that remission of the salt duties, the Under Secretary promised to produce the Correspondence; but he had never done so, for the simple reason that there was no Correspondence to produce, no Correspondence except, perhaps, some private telegrams. The result of the system was that there was no real check on the Viceroy. The Viceroy was assisted by a very able man—Sir John Strachey; but Sir John Strachey had his crochets and his imprudences. When acting with such a solid and sensible Viceroy as Lord Mayo, Sir John Strachey was a most valuable public servant; but when Sir John Strachey, audacious and impulsive as he was, was yoked to such a Viceroy as Lord Lytton, who was more audacious, impulsive, and imprudent than himself, the danger was one of considerable magnitude. Had the Rulers of the Mogul Empire been assisted by wise and prudent counsellors, the Great Mogul Empire might still be in exist-

ence at this day; and if a man so hot-headed and indiscreet as Lord Lytton was allowed to govern India, and left uncontrolled to his own conceits and devices, it might happen that some 100 years hence some other Power might rule in India instead of the British Government.

Mr. ONSLOW said, he thoroughly agreed with what had been said as to the necessity for reducing the Indian Expenditure. He heartily approved of the Resolution proposed by the hon. Member for Hackey (Mr. Fawcett), but withdrawn; and he thought the course adopted by the Leaders of the Opposition with respect to that Resolution was open to observation, after the meeting at the house of the noble Lord the Member for the Radnor Boroughs (the Marquess of Hartington), where it was understood that they agreed to support it as a Vote of Censure on the Government. The debate on the question before them showed that India was not to be made the shuttlecock of Party in that House, and that both sides were desirous of considering the best interests of India. He thought the Under Secretary of State for India had shown that the interests of India were to be considered in a much better way than they had been in former years. The hon. Member for Kirkcaldy (Sir George Campbell) objected to the policy of the Government with reference to Afghanistan; but he (Mr. Onslow) would venture to say that the opinion of the House, and of the great majority of this country, was that all the sums spent in the Afghan War had done great credit to Her Majesty's Government. India had been made a great deal safer than before. He believed there was no other policy open to Her Majesty's Government, and that this Afghan War was one of the greatest successes which the arms of this country had obtained in India or elsewhere. The hon. Member for Kirkcaldy also objected to the remission of cotton duties; but it was strange that the hon. Member was not in his place when that subject was discussed in the House. The hon. Member for Kirkcaldy said he took a serious view of the disturbances in the Deccan. We all deplored them; but at different times we had riots in different parts of India, and must always expect such riots. He did not, however, attach so much importance to those riots as the

hon. Member; but if they were really dangerous, there was no man better able to cope with them than the present Governor of Bombay. The present Governor General had shown himself determined to carry out the honour and interests of India in a manner worthy of the name of the English name he bore. The Financial Minister in India, we must know, had an enormous difficulty. One of the largest items of Revenue was that from opium. One day it might be up and another day it might be down; and, therefore, the Financial Minister could not say how much he was to get from the opium revenue. A Famine might spring up at any time in any part of India, and that alone might upset the calculations of any Financial Minister, as it had upset the calculations for the year preceding this. At one time it might be a Famine, and at another a cyclone, that upset the calculations of the Financial Minister. Moreover, his calculations might be upset by an unexpected war, which might break out at any moment. The Financial Minister could not give even an approximate estimate of the loss which might occur in the course of the year by exchange. He (Mr. Onslow) hoped that we had seen the most disturbing elements pass away, and that the depreciation of silver would no longer be a bugbear in Indian finance. He thought he should be justified in saying that every Financial Minister since the Mutiny, with the exception of Sir Richard Temple, had been a Liberal. Unless the Financial Minister was backed up by the arm of the Viceroy, he had no more power in the Council than any ordinary Member. We should give greater power to the Financial Minister than he had at present. It was impossible for him to carry out his policy if he found every Member of the Council against him. But even though the reductions which had been promised by his hon. Friend the Under Secretary of State were carried into effect, he had great doubts whether they could be accomplished within two or three years. When the question came to be dealt with of employing Natives in the place of Europeans, it would be found that it involved great difficulties. The matter was not one merely of salary, but also of pension, and he did not think the Government would get the men they wanted if they were to give Europeans

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only the same pay for performing the same duties as Natives. As to Military expenditure, it had always been the object of the Viceroys of India to keep it down; but its reduction depended a great deal on the action of the Home Government, by whom the Viceroy had not often been consulted. In 1864 great reductions had been made; but such had been the increase of wages that the Military expenditure, instead of being diminished, had gone on increasing, and what had occurred in 1864 might occur in 1879. As to the proposed Committee, his opinion was that inquiry by a mere departmental Committee would do no practical good, and the Government ought, he thought, at once to take the bull by the horns and announce that they were prepared to appoint a Royal Commission to inquire into the whole Expenditure of India. He next came to the question of public works, on which he thought a good deal of money was wasted in India, owing to the fact that the House of Commons had run away with the idea that she was a very rich country. Sir Charles Trevelyan even had said that there would be no difficulty in carrying out such works so far as money was concerned, and Lord Halifax had endorsed that view. An unwholesome stimulus was thus given to the prosecution of public works in India; but Sir Charles Trevelyan had subsequently deemed it to be his duty to inculcate the necessity of observing some moderation in carrying out those works. He hoped, therefore, that in future no works would be entered upon unless there was an assurance that they would be reproductive. It should not be forgotten, he might add, that large sums had been spent on repairs, for hon. Members generally could scarcely be aware how soon works became deteriorated in the climate of India. He sincerely trusted that the objects of the Government would be realized in a few years, and that they would persevere in their endeavour to improve both the condition and the resources of India. It ought not to be very difficult by careful economy to make the Expenditure equal to the Revenue.

MR. GRANT DUFF said, he was glad that the very able and elaborate statement of the hon. Gentleman the Under Secretary of State for India (Mr. E. Stanhope) had done two things; it

had made it clear that the Government were going to turn their minds to a serious reduction of Expenditure in India, and, at the same time, it had done away with a great deal of the exaggerated uneasiness with respect to Indian affairs which had been fostered of late by reckless and sensational writing. There was every reason for uneasiness, but no reason for panic. Indeed, he had never known a moment when those who understood it did not view with uneasiness the condition of Indian finance. It was all a question of degree. The old Court of Directors lived in a state of chronic agony in regard to the Indian finances, and, consequently, were so timid about undertaking public works that they very often drew upon themselves the thunders of one of the greatest living orators. Hardly had the Queen's Government taken over the direct management of India than it found that the question of making the two ends meet was one of the gravest with which it had to deal; and it sent to Calcutta, as soon as the fires of the Mutiny had burnt out, the very ablest financier on whom it could lay its hands. Mr. Wilson did great things, but the years from his death to 1869 were no bed of roses for Indian financiers. Then came a period of which he (Mr. Grant Duff) was in a position to speak, that during which the Administration of India was directed by the Duke of Argyll, when the financial question occupied the attention of the authorities, both in England and India, morning, noon, and night, and to so much purpose that whereas the Expenditure of the year 1868-9 was over £52,000,000, that of the year 1871-2 was under £47,000,000. Part of that reduction was owing to the transfer of £700,000 a-year from the shoulders of the Imperial Government to the shoulders of the Provinces; but a good deal more than £4,000,000 was really *bonâ fide* reduction. He did not see why the same reduction was not possible now. The Expenditure to be reduced was much larger, and if the Government set about it with a will, he did not see why they might not make as large a reduction as that. If they made that reduction, all cause for serious uneasiness with regard to Indian finance would be removed. There was all the difference in the world between the wise uneasiness which came from knowing the difficulty of governing on European

principles with an Asiatic Revenue, and the panic-stricken exaggerations to which the public had been lately treated. It might, perhaps, be asked why we should govern on European principles, seeing that we were recommended by some persons to stop our public works and to govern India after the manner of a Native Indian Administration? The best Native administrators would tell us that their countrymen did not want our expensive Courts, our education, and all the rest of it. A small Revenue might be raised, but the people were not to be teased with taxation; and instead of spending our money on improving India, we might spend it in helping out the English Revenue, or on anything we pleased. If we were going to do no better than that, why were we in India at all? If we were not there to give the Natives of India what they could by no possibility have given themselves, except after thousands and thousands of years, we had better determine to leave them to their Native administrators, telegraphing to Lord Lytton to wind up the concern and come home. It was asked, why must we govern on European principles? Because we were Europeans, and because we could not help it. We were bound to govern India according to European principles, if we governed it at all; but to govern it upon European principles with an Asiatic Revenue was a difficult thing, and must from time to time land us in serious complications. If Lord Northbrook, in 1874, had determined to treat the Bengal Famine as a Native administrator would have treated it, he would doubtless at first have done what he could to save the people; but, very early in the day, he would have come to the conclusion that circumstances were too strong for him, and, with folded hands, would have said—"It is the will of God." Now, in 1874, there happened to be no very exciting subject before the public, except the Bengal Famine, and it would have been as much as Lord Northbrook's head was worth if he had ventured to act in that manner. A year or two later came another great Famine, during which Lord Lytton's Government did all they possibly could for the saving of life at fearful expense to the State, though their efforts were, alas! very far, indeed, from being entirely successful. Most luckily for them, however, other subjects of a highly ex-

citing kind occupied the attention of the public, or there would have been a shriek of indignation against the supposed inefficiency of our Indian Government. These two Famines, managed on European principles, cost quite £15,000,000, which would have remained in the Treasury of the Native administrator. The men who carried on the Administration of India passed their lives in endeavouring to steer a middle course between those who would have them improve the country quicker than the poverty of the population would permit, and those who would have them hang back, doing little or nothing. He thought that, considering the gigantic difficulties of the subject, they contrived to steer extremely well between the two. Was it true that in doing so they leaned too much to the side of rapid improvement? He did not think so. From time to time there was, no doubt, a movement in that direction, but the pendulum soon swung back. It might be suggested, however, that the very fact that the present Government was ready to make very large reductions proved that our Government of India was habitually extravagant. He did not think that such was the case. In point of fact, it merely proved that from time to time circumstances arose in which efficiency had to be sacrificed to the absolute necessity of economy—that, at least, was the case with nearly all the Civil expenditure that had been cut down, a great part of which was usually under the head of Public Works Ordinary—that was, works of comfort and convenience. He had no reason to believe that the present Government had been more extravagant in its conduct of the internal affairs of India than other Governments. He thought that it was right to take the course it did in the vexed question of the cotton duties, and two years ago urged it to take a somewhat similar course, even at the risk of a small deficit, while he thoroughly approved all that it had done in relation to salt. The case which he thought could not only legitimately be made against Her Majesty's Government, but which it was their bounden duty to make, was this—That Indian Revenues improving but slowly and containing some very uncertain elements, and Indian Expenditure requiring to be kept down with the most watchful care, they had quite gratuitously adopted a course of external policy which would

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eventually lead India into the greatest possible financial embarrassment. In order to make good the foundation of that case, it was only necessary to look at the largest feeders of our Revenue—land, opium, salt, stamps, Customs. Well, then, in the nature of things the land revenue, if it did not increase quite as slowly as was sometimes said, would not rise very much for a considerable time. He saw that, in 1877-8, it appeared as positively a little smaller than in the actual or completed accounts of 1867-8. That must arise, he supposed, from the disturbance caused by the late Famine in Southern India. Still, he apprehended that the Government did not anticipate any great or sudden improvement in its receipts from land. Then there was opium. He had never shared the pessimist view about opium. He had never expected that our revenue from that source would be suddenly cut off. They knew, however, that it was menaced from two sides. There was a party in China which wished to manufacture on a greatly increased scale the Native drug, for the express purpose of killing down our import of opium. It was possible that that party might succeed in overcoming the scruples of those of their countrymen who were in favour of maintaining the old severe laws against the growth of the poppy, and might likewise succeed in making as good opium as we could send from Bengal or Malwa. If that where so, then we might be beaten out of our best—indeed, for practical purposes, our only market, and the Government of India might have to look to taxation to compensate it; or, in other words, India might lose the most magnificent estate which was possessed by any nation in the world—an estate which more than paid the annual interest of her Debt. Again, there was a party in this country which was persuaded that the import of opium into China was wicked, and ardently desired to do away with it at one fell swoop without ever dreaming of compensating India for the loss of India's magnificent estate. If that party ever succeeded, the same result would follow—India would have to raise an additional taxation of £6,000,000 or £7,000,000 a-year. He did not think that that Party would ever succeed in inflicting on India so terrible, so utterly ruinous an injustice; but he could quite conceive that the British Govern-

ment might, in the interest of our and her general policy, prevail upon India to diminish her import of opium into China by, say, 1,000 chests every year, until it ceased altogether; and the ultimate result of that to India would be, doubtless, not so embarrassing, but, nevertheless, decidedly embarrassing. The stability of the opium revenue depended upon causes of which we knew so little that no financiers, however sanguine, could possibly be comfortable about it. "Threatened folk live long," he might say, but that was all his comfort. Then came the salt tax. He was not one of those who took a strong view against it, though it had no doubt some disadvantages, yet some of them had been done away with under the Administration of Lord Lytton. He supposed there was no one who had studied Indian finance who did not feel that although the direct mischief arising from the salt tax in restricting the supply of salt to the population had been sometimes exaggerated, it had, nevertheless, in some districts very bad direct effects; while about its indirect evils all over the country in restricting manufactures there was really no kind of question. We must admit, he feared, against the salt tax nearly everything that his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair) would allege; but it was our third largest source of Revenue. Could we substitute anything for it? He confessed that a salt tax equalized from Cape Comorin to Peshawur seemed to him an inevitable, though most unsatisfactory and unscientific element of Indian Revenue for many years to come. It was, however, not likely that the revenue from it would much increase. One of the first things that had to be done, indeed, was the reduction of the duty in the Lower Provinces of Bengal. Then there were stamps, which brought in, in 1877-8, a little under £3,000,000 of net revenue. He supposed that that source of income would go on increasing with the increase of education and the advance of civilization, but not very quickly. Then there were Customs; but he trusted that export duties would soon disappear, that the Indian tariff would contain, before very long, as few articles as our own, and that Customs duties would eventually disappear. He thought, seeing there was little chance of any increase from them, that

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all Indian financiers should steadily keep in view the importance of getting rid of all Customs duties in India, both export and import. He hoped that the Government of India would save that country from the detestable spectre of Protection which had appeared in the Colonies. We should at least give our great Dependency the benefit of perfect freedom of exchange, which the unwisdom of our Colonies had denied to themselves, though, of course, that could not be done all at once. Even now, only about 3*d.* per head of the population was produced to Indian Revenues by the import duties. Was it worth contravening sound principles and inflicting endless inconvenience for so contemptible a result? He thought he had shown, without taking alarmist views, that our existing Indian income was likely to increase only very slowly, and it would probably be admitted that no great rise was at present to be looked for in Indian Revenue. The weight of authority seemed to be against all new taxes that had been discussed. It was unnecessary to show in detail how Indian Expenditure tended to increase. It required, at all times, the most anxious and sustained efforts on the part both of the Home authorities and of the authorities in India to prevent it becoming altogether intolerable. Every subordinate Civil official and Military officer who was good for anything thought first of efficiency. It was only those at the head of affairs who kept asking—"What will it cost?" If we had twice as much money as we had, we could spend it all to good purpose. These things being so, the present Government had had the folly to embark on a course of policy which had already cost India a great deal of money, and which would too probably lead, before very long, to far heavier expense than any of which those who commenced it even dreamed. He would be a bold man who would deny that, thanks to this impolitic and fatal interference with Afghanistan, we might in a very few years be obliged to annex the whole of that country, and to draw our next scientific Frontier beyond Herat. He would not try to revive the discussion on the Afghan War in its political aspect. He was looking at it for the moment merely in its financial aspect; and he affirmed that, even if there had not been political reasons which cried to Heaven against

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the course which the Government had taken since the retirement of Lord Northbrook, the financial calamities which would but too surely follow on their Frontier policy ought to have been quite enough to condemn it. Anyone who studied Indian history, and who knew the difficulties which the recent advance beyond the North-West Frontier would entail, would know that we should be led on and on by the force of circumstances, until very likely the most pacific Minister who ever ruled in this country would, as he had said, be obliged to annex the whole of Afghanistan, thanks to what the present Government had done. He was sure the right hon. Gentleman opposite knew well that this was so; but he comforted himself with that most unstatesmanlike reflection—"After me the deluge." Some people imagined that men's minds in India would now become calmer about the North-West Frontier. But they were much mistaken. Our North-West Frontier policy was to a great many Anglo-Indians the romance of India. It was the link which connected the land to which they had come with the busy Europe they had left. Dreams about the Russian spectre moving towards us across Central Asia were a relief from the intolerable dullness which often oppressed them. He would admit that the force of circumstances alone, now that it had been given its head, would prove too strong for all resolutions to advance no further. But that force was the weakest which was dragging us. We had, in Yakoob Khan, a new Shah Soojah on our shoulders, of whom we might well wish right hon. Gentlemen joy, if it was they only, and not all of us, who had to carry him. When we once stepped beyond our old Frontier, the curse came upon us—"Vestigia nulla retrosum." The burden which Clive and Warren Hastings laid on the shoulders of their country—the necessity of conquering India—was heavy enough. In an evil hour, by changing the policy which for so long had been accepted by both political Parties, they had taken, even if there were no political reasons against it, one of the most imprudent financial steps ever taken by any Government. Was not the burthen of conquering and keeping India enough for a little Island in the Atlantic, that right hon. Gentlemen opposite must needs add

to it the probable task of having to conquer Central Asia also? There were dangers before, behind, and around them, of which, alas! their financial dangers were not the worst. Were matters so perfectly peaceful in India that they could be sure that the Mutiny was the last of their serious internal troubles there? He thought it extremely fortunate that they had so able and active a man as Sir Richard Temple governing the Bombay Presidency at this moment. Recent telegrams told of dacoity prevailing to a great extent in the neighbourhood of Poonah; but they might depend upon it there was a great deal more than mere dacoity there. He went into that district, in which he had naturally a peculiar interest, four years ago, and even to the eye of a passing traveller it was perfectly clear that there was serious disaffection. Those telegrams revealed a state of things precisely similar to that which preceded the great rising of the 17th century; and, although, considering the superiority of our strength over that of the Mogul, he would not venture to say that history would repeat itself, he did say that we were not at the end of our insurrections, and that the breaking out of trouble in that corner of India at this particular moment ought to be a warning to those who dreamt dreams of the beginning of an era of peace for India. What, above all things, was wanted in India was what was wanted everywhere—a steady, well thought out, and continuous policy, not a policy of violent fluctuation or exaggeration on the one side or the other; but that we no longer possessed. From the days of Lord Ellenborough our policy had been to remain within the bounds of India, and make the best of the country. It might be said of India what was said by someone of life itself, that it was neither a blessing nor a curse, but a serious piece of business which it concerned our honour to carry through; but to carry it through without such a policy as he had just indicated was impossible. If we were now to be led away by such will-o'-the-wisps as had led us through the Passes of Afghanistan lately, then the whole story of England's connection with that great country from first to last would be nothing better than one magnificent blunder—a blunder full of interesting, noble, and heroic episodes, but none the less a blunder.

MR. SIDEBOTTOM said, it could not, he thought, be denied that the financial position of India must, at the present moment, be a source of grave anxiety, both to those responsible for the Administration of India and to everyone in this country who bestowed the least consideration on the subject. It was not his intention, on the present occasion, to enter upon the question of the import duties levied on cotton goods. The House had more than once affirmed that those duties were alike unjust to Indian consumers and English manufacturers, and ought to be repealed, and he thought it would be scarcely respectful to the House to occupy its time by dwelling on this well-worn subject. No doubt, there had been heavy expenditure in India; no doubt, it was absolutely necessary for that expenditure to be curtailed, and he was glad to see that Her Majesty's Government were taking stringent measures in this direction. No doubt, also, the dreadful Famines which had prevailed had greatly impoverished the country; but, above and beyond these and other causes, there was a very large and a very deep question which was well worthy the attention of the House. He meant the pressing difficulty so long felt with reference to the extremely unsatisfactory state of the exchanges. He would not weary the House by dwelling at any great length on this most intricate and difficult subject, or by enlarging on the causes which had led to the immense depreciation in silver, or of the increasing scarcity, and, consequently, enhanced value and appreciation of gold. Those causes were deep-seated, and, to a great extent, beyond our control; we had only, indeed, to call to mind the immense rise which took place in the value of all commodities in Spain within a very few years after the discovery of her gold mines in Peru to be convinced that we were face to face with a very great problem, and a problem which must have a most important influence, not only on our fortunes, but on the fortunes of well nigh every country in the world. As stated by the Prime Minister in "another place," a short time ago, the production of gold throughout the whole world averaged about £6,000,000 a-year up to the time of the discovery of the Californian and Australian mines; but these great discoveries increased the supply about six-

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fold, to £36,000,000, and the same effect was produced—though not to the same extent—as was produced in Spain more than three centuries ago; an enormous rise took place in the price of all commodities, everything appeared to increase in value, because gold, the fixed standard by which everything was measured, became more plentiful, and in reality decreased in value; in like manner, it did not seem open to doubt that of late years the decreasing supply of gold, simultaneously with an increased demand from Germany, from France, and latterly from America, had been one main cause of the existing intense depression, and of the fall in prices of nearly all commodities, including silver and including labour. This fall had by no means been confined to this country, but had extended everywhere, East and West, North and South, to all countries; but it had had an especially disturbing influence here, not only because of our extended trade with all the silver-using countries where it was the standard of currency, and where, consequently, the exchange had been directly affected, but also because silver was the currency and the standard in our own Empire of India. In one portion of our Empire—England—gold was the standard, in another portion—India—silver; and there could be no doubt whatever that the fluctuations in the value of silver and also of gold had caused very great derangement to the trade of the two countries, and no man yet might say what would be the consequence, or what disasters the future might have in store for us, if some attempt was not made to remedy the mischief, and arrest the continuous fall. Well, what was to be done? Many plans had been suggested, more or less plausible. One of these was a gold currency for India, same as England; but it was estimated that for that purpose £100,000,000 of gold would be required. Where was this immense amount to be procured? It was pretty evident that the supplies of gold were barely sufficient to carry on the trade of the world under the existing gold currencies; and this plan might, therefore, be dismissed as quite impracticable. Another suggestion was a largely extended issue of paper money; but the experience of other countries was not encouraging, and the great depreciation so often witnessed in paper ought surely to be a beacon and a warning against

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any such course as this. Amongst other suggestions there had been that of a bi-metallic currency, such as prevailed in France up to the time when she suspended the coinage of silver from fear of losing her supplies of gold, in consequence of the demonetization of silver in Germany. Much might be urged in favour of this plan, and it was by no means clear to his mind that it would not eventually have to be adopted by one or more nations to avoid general ruin. One thing was, at all events, clear—that when there was a bi-metallic currency in France these disastrous fluctuations in silver were prevented, because anyone, by taking silver to France, could have that silver coined and exchanged for gold in the proportion of 15½ to 1, and this kept the price of silver steady all over the world, and had practically the same effect as it was hoped would follow from the adoption of the bi-metallic currency now advocated. Many of our troubles, indeed, and the decline in our trade, seemed really to date from the period when France suspended the coinage of silver, and the advocates of bi-metalism maintained that in adopting it we should be trying no rash or hazardous or dangerous experiment, but, in reality, only be reverting to the previously existing state of things. But it was said—“Oh! to talk of a bi-metallic currency is absurd and ridiculous. Why, every banker in London is against it.” Well, nearly all great measures in this country passed through three stages. They were pooh-poohed, and said to be absurd and ridiculous in the first stage. Then, in the next stage, after we had felt a few more turns of the screw, after a few more disasters had occurred, after a few more thousands had been ruined, it began to be doubted whether, after all, they were deserving of so much ridicule and contempt. Then came the third stage, when they were suddenly adopted, and they who had been loudest in their denunciations, were often the most anxious to take credit for their adoption. Bankers might, or might not, oppose this plan; but he had yet to learn what special knowledge was possessed by bankers as such—especially by London bankers—on such a question, more than by merchants and others of wide and extended commercial experience, accustomed to business in all parts of the world, and obliged to take large and

comprehensive views on such subjects. Now, what were the real arguments against a bi-metallic currency? He had conversed with many persons of every shade of opinion, and, so far as he understood, the main and the chief objections were that it would be a watering down, as it were, of the currency, which it was said would, in point of fact, be degenerated; and the fact of Germany resolving to adopt a gold currency same as our own, was cited to show that, by altering our currency, we should be taking a backward and retrograde step. This was all very well, but the experience of Germany did not offer much encouragement as an example. Few countries had suffered, and were yet suffering, more intense commercial depression, and the case was not analogous. Germany had no India; and if in a large portion of the German Empire silver had been the standard, and it had been impossible to change it, we might well believe that the great statesman who presided over her counsels would have shrank from establishing different standards in the same Empire. It was assumed, gratuitously assumed, that it was wished to restore silver by statute to the same value it formerly possessed when coined in France, in the proportion of 15½ to 1 of gold, and many arguments against any change were founded upon this assumption. But he, for one, never understood that this was intended. The question, indeed, was quite as much one of gold as silver. It was difficult to say precisely, in the present fluctuating value of silver, what ought to be fixed as its value in proportion to gold; but one great advantage expected from the adoption of a bi-metallic currency was the prevention of these disastrous fluctuations; and if it be said that no law could effect this, the plain and obvious answer was that they were prevented when there was a bi-metallic currency in France; and it seemed certain that the same result would again follow its adoption by one or more great nations. It was also said we should lose our supply of gold. Well, if we were the only country which adopted a bi-metallic currency, there might be some force in this argument; but, by acting in conjunction with America and France, all fear of any such a contingency would be avoided. It was also said that all descriptions of property would be increased in value,

that there would be great inflation, and that debtors would be able to discharge their liabilities more easily than at present. Well, it was at least open to doubt whether a little inflation would not, on the whole, be preferable to the intense depression we had so long experienced, or whether an increase in the value of property would be altogether objectionable; and as to debts being more easily discharged, we must remember that those debts were contracted whilst a bi-metallic currency was actually in force; that it practically, in point of fact, prevailed up to 1873 or 1874, and that the present state of things was inflicting great hardship upon debtors. It would be easy to prove this from illustrations connected with trading and commercial interests; but take as an illustration the case of a person nominally the owner of landed estates which were heavily encumbered with charges for settlements, mortgages, and the like. Well, in the present unhappy state of agricultural depression, when it was difficult, if not impossible, to make both ends meet, when farms were vacant and rents reduced, such a person was not in a very enviable position; but mark the difference. They who received his money, they to whom his payments were made, so far from suffering any hardship, were really benefited by his misfortunes, because their mortgages having been granted, their settlements having been made under a totally different state of things, although the unfortunate debtor had now far less resources to fall back upon, far less money to pay with, they were receiving the same payments as before, the same number of sovereigns, and these sovereigns would now go a great deal further, and purchase more commodities; and they were, therefore, proportionately enriched at his expense. But those persons possessing fixed incomes were really the only persons who would even nominally suffer by the adoption of a bi-metallic currency; their incomes would not be affected, but remain the same as now, whilst the value of estates and, in fact, property of every description would be largely increased as sovereigns became of less value and possessed less purchasing power; but there was no real hardship in the case at all, for fixed incomes would have the same value as when they —or, at all events, the great bulk

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of them — were contracted for, the only difference being that they would no longer be swelled and increased at the expense of the unfortunate debtors ; in fact, though no doubt partly, and perhaps largely, attributable to other causes, it seemed to his mind certain that the great depression throughout the world, in nearly every interest and every trade, was to a large extent due to the contraction of the currency caused by the demonetization of silver, and the degradation of that metal from its former position as a standard of currency to a mere commodity, such as iron, or tin, or lead ; and, consequently, that the true remedy for our misfortunes, the true, plain, and direct way to revive our waning trade, to arrest the ruinous fall in property, and to restore general prosperity, was to restore silver to its former position as a partner with gold in the currency of the world ; and he greatly feared all other plans would end in failure, and be found alike vain and useless. America at the present moment seemed most anxious to unite with European nations in taking action on this question, and if other European nations would do nothing without our adhesion, he thought we ought no longer to stand aloof. At the same time, it could not be denied that the issues involved in adopting a bi-metallic currency were momentous, incalculable, impossible to forecast with any approach to accuracy, and the risks of any error or false step most serious ; and if Her Majesty's Government, therefore, should shrink from the responsibility of adopting it for this country, then a loan to India, as now proposed, seemed to him the next best course. No doubt, objections might be taken to any and every scheme which could be brought forward ; and he quite agreed that the true course to be followed, and really the best remedy, was to reduce expenditure in India, to spend less money, so that India might be enabled to absorb a larger amount of silver, and, as he had already said, he was glad that the Government were now making great exertions to enforce economy ; but even if the most economical arrangements conceivable were at once made, the benefits to be derived would not be felt for some time, and—

"Whilst the grass grows the horse starves."

Something must be done immediately, and without delay ; and failing a resort

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to some modification of bi-metallism, to be once more adopted either generally or by one or more nations, a loan seemed to him the only immediate practical way of meeting the difficulty, and to some extent relieving the pressure. The right hon. Gentleman opposite the Member for the City of London (Mr. Goschen), in a most interesting and able speech on this subject some three years ago, which sank deep into his mind, seemed to think that the best plan in reference to silver was to do nothing, but leave things to find their proper level by the operation of ordinary laws and natural causes ; and, no doubt, this was generally the true and correct course. There were, however, exceptions to every rule, and all classes were now suffering so severely that if ever there was a time when a departure from ordinary rules was justified it was surely the present. It certainly could not be denied that these severe fluctuations in silver had tended in no small degree to produce the existing great depression in trade. On the one hand, the consumers of India, China, and all silver-using countries had not hitherto reaped the full advantage of the excessively low prices ruling, having, of course, in the long run to pay as much more for goods as would compensate for the loss on exchange, the value of these goods being regulated by the law of supply and demand ; and, on the other hand, English manufacturers and English merchants, besides direct losses on the exchange, had reaped none of the advantages of an extended trade brought about by low prices and the opening out of new markets. The loss to the Government was indeed sufficiently serious, the loss to thousands of persons of limited incomes remitted from India was grievous in the extreme, but the loss to the trading community, to Lancashire in particular, and directly or indirectly to every manufacturer and every merchant, was frightful to contemplate. It was strangling the whole trade, and no greater boon could be conferred by any Minister upon the commercial classes, and, indeed, indirectly upon all classes, than to devise some means by which exchange could be raised. His hon. Friend the Under Secretary of State, said, last evening, that the Government had made up their minds to face the loss on exchange manfully ; he did not, however, at all understand him to say that they would make

no effort to mitigate that loss. He could assure him that the commercial classes had been looking forward with the greatest anxiety to some course being taken in this direction, and he earnestly hoped the Government would continue to give the matter their most serious attention.

MR. LOWE: Sir, the hon. Gentleman who has just addressed the House seems to have been more interested in the question of a bi-metallic currency than in the subject immediately before us to-night. As I wish to confine myself purely to this one question, I hope he will excuse me if I do not follow him through his long and able argument. I want to point out to the House as clearly as I can the present state of affairs in India in regard to this question of the currency, to put it to them whether it is possible to allow matters to remain as they are, and, finally, to consider what remedy can be applied to reduce the existing difficulties. I have first to submit a few propositions, which, I believe, can hardly be denied. The first is, that the rupee has a much higher value in India than in Europe. In other words, although the rupee is so very much depreciated when used as the means for the payment of debt in Europe, as long as it is confined to India it very nearly maintains its value, if it does not do so entirely. So that we have the singular phenomena that the same coin, circulating in two countries, has two entirely different values, one very much higher than the other. It is also true that there is no prospect of a considerable change in the direction of equalizing the two. I do not see any probability that the rupee will obtain the same value in England and in India. Of course, we know very well the causes that have produced the difference. The great fecundity of the silver mines; the resolution of almost every great Power in the world to employ gold instead of silver as its standard of value has, no doubt, greatly produced these effects. I cannot imagine that anyone can fairly see, in the state of affairs which now exists, any probability that there will be any considerable change. If there be, I should be glad to be informed of it; because, if there were any recuperative power in the matter itself, it would, no doubt, be infinitely better to leave it to that power than to make any attempt

by strong or violent measures to set it right. For myself, it seems to me that the probability of silver recovering the position it held with regard to gold before recent changes and events is so very small that it would be vain indeed to calculate upon that as a remedy. The effect of all this as regards India is simply lamentable; because, though India is provided with a currency which seems tolerably well to answer its purposes for domestic use, yet, for the purpose of foreign payments, its currency is subject to most disastrous depreciation. That would be a great evil to any country, of course, that its currency should be depreciated. It is singular, because it does not often happen in history, that a currency serving very well for domestic purposes should be found to fall so very much below the mark when used for the purpose of paying debts due to foreign countries. If that is the case in other countries, how much more is it the case in India, which is bound by the most singular and indissoluble ties to England, the very existence of whose present state of Government, and whose condition, altogether and entirely depends upon the fact of its being able to remit to England every year very large sums of money indeed? The effect of this is that a man gets a reasonable return for the money he employs in India; but that on the money exported to England he suffers most heavily, and gets a very small and uncertain return indeed. We know, from the accounts laid before us, that India by this means alone actually loses, and is deprived of, something like £3,000,000 yearly. This is a state of things which, if it is to be regarded as permanent, and one not likely to be speedily or immediately relieved, is one utterly intolerable to be contemplated if there be within our reach any means or power of amendment. I think the case is made out as clearly as can be that we should, if possible, avoid so terrible a calamity as that with which India is visited, through no fault of her own, which springs from the institutions which she has, which does not arise from the nature of things, but comes from institutions which are artificial, made by the will of man, and can be altered by the will of man. We are not justified, if there be any means that can possibly be devised by which this loss can be obviated, in sitting

down quietly and acquiescing in it. It may be that the thing may be in some degree alleviated. But it is not as if it were a slight loss. The ground to be made up is so great that I cannot help thinking it is an excess of presumption and sanguineness to expect any change as likely to take place which will put India in a situation tolerable to any country, a situation where she can fairly pay her debts without being subjected to this enormous sacrifice. It is infinitely worse for India than for any other country, because she is placed in a situation in which no country was ever placed before—that her very existence, under her present Constitution and form of Government, depends entirely upon that which is procured for her by the payment of these sums of money. Therefore, I do think that a case is made out, if a case ever was made out, for seeking some remedy. What, then, shall we propose? The hon. Gentleman who has just sat down proposed a double standard. I deny, Sir, that there ever is such a thing as a double standard. You may have an alternative standard, but never a double one. Gold or silver, you may have them together; but one or the other is sure to gain the advantage. You do not really get a double standard; you get either, with the additional evil of uncertainty. Something or other makes an alteration, and suddenly deranges all your calculations by shifting you from one to the other. Therefore, I cannot regard that as any approach to a settlement. What happens? That when there is a shift people pay their debts in that coin which is the cheapest. How, then, a double standard can be any relief where you have a nation whose currency answers their purpose tolerably well in their own country, and utterly fails to answer it abroad, I cannot at all understand. The question is whether we cannot hit upon some other means. What appears to be wanted for India is a standard identical with that of the country with which it is so intimately bound up. As India is paying something like £20,000,000 a-year to us, it seems most extremely desirable that the money should be paid in the way in which it will go furthest. Therefore, I confess that it seems to me that the great object we should have in view, if it be possible to attain it, is that we should get a standard of value identical with

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that of England. Almost any sacrifice, considering the enormity of the sum lost, should be undergone in order to obtain that. It will be said that there is nothing easier, and that we have only to declare that we will have a gold currency. Purchase your gold, make it the standard, and reduce the silver to a mere token coinage, as in England. But where are we to get the money to purchase the gold? What possibility is there in a poor country like India, where we are doubting, even at the present time, whether she does not stand on the verge of bankruptcy, how is it possible to undertake anything of that sort? [Mr. JOHN BRIGHT: Buy it with the silver.] The right hon. Gentleman says "Buy it with the silver;" but the very misery of it is that we are ruined by silver already. However desirable it might be from the way in which Indian finance has been regulated, we must see that this is perfectly impossible. Are we, then, to give up the question in despair and do nothing else? Is there any other remedy? The hon. Gentleman who spoke last suggested a paper currency; but he put that on one side, because he said such a currency would not be relied upon—that there were no means of limiting it within the bounds admissible. But is that true? Is there no means of limiting a paper currency? What is the nature of it? What gives a currency its value? It is not because it is made of any particular material. The value of a currency depends on something altogether different. It depends upon two things. First, that it should be made legal tender, which is easily enough done; and then that some means should be adopted by which it shall be limited, so as not to exceed the sum that would be used if gold, for instance, had been employed. If you can do these two things, you have got a currency possessing all the qualities, so far as I know, of a thoroughly good gold currency, with the advantage that you have not to find the gold for doing it. That was the plan developed so many years ago by Mr. Ricardo. So far as I know, it has never been carried into effect; but it has never been refuted, and I have never seen, in the course of my reading, any serious objection urged against it. There is not the least doubt that a currency of that kind, of notes of legal

tender sufficiently limited, will perform all the duties of a gold currency, with the advantage that you save the wear and tear of the gold. I remember, at a period when I had the means of commanding much better information on the subject than I have now, making some sort of calculation as to what would be the effect here if, instead of a gold, we had a note currency, one pound notes for sovereigns, guarding that currency by Mr. Ricardo's proposition that if a person brought notes to the Bank he should always receive gold for them to their exact amount. Assisted by those who were much better qualified than I was to deal with this subject, I calculated that England would save something like £50,000,000 if she adopted the note currency. But English prejudices would not hear of that for a moment. As far as I know, the people may be quite right. The currency satisfies them extremely well, they are used to it, they can afford the luxury of it, just as they can afford the luxury of putting on any number of millions to our Debt; and, therefore, sound as I believe the principle to be, I do not for a moment wish to tamper with the present institution in England. But what possible objection can there be to trying such a thing in India, in the terrible state in which she is now, not as a mere matter of experiment, but in order really to save her from the bankruptcy with which she is imminently threatened? It would be perfectly easy, I think, to introduce notes into India, and to make the regulations that Mr. Ricardo suggested, that a person should receive gold for any notes he might bring in. We know, if there were any redundancy in the currency, that the process would go on until the redundancy ceased. But it would go no further, and then we should be possessed of a currency not so showy, not so expensive, but for all practical purposes quite as useful and as good as the currency in England or as the silver currency of India. I do not enter into the technical question how it is to be brought into working. The system can be reduced by experts to such a state that you would have a token currency of silver just as we have in England, and a legal tender up to a certain amount just as silver is here. There may be, and probably there are, very serious reasons

and overwhelming objections to this scheme. Perhaps a person who, however unworthily, has held the Office of Chancellor of the Exchequer is not even prudent in broaching such a scheme. But I am so strongly impressed by the state in which India is, simply throwing away for her currency arrangements £3,000,000 yearly, that I think any suggestion of any kind, which has any plausibility, any semblance of practicability, that I felt it my duty to offer this suggestion. It may be shown that I have overlooked some principle or some condition which makes my idea valueless; but still I offer it, because I do not believe we can go on long in this way, draining these millions from India, where money comes like blood from the poverty of the people, and where we are put to our utmost shifts to make both ends meet, that we may not die by that most ignominious of deaths by which a great Empire can perish—bankruptcy. I have, at any rate, taken my life in my hand in offering this suggestion. I would not have done it if I had thought we could go on as we are; but I do not see why any country should pay this sum merely for the pleasure of keeping on a very bad currency.

LORD GEORGE HAMILTON: In consequence of the withdrawal of the Amendment of the hon. Gentleman the Member for Hackney (Mr. Fawcett), my hon. Friend (Mr. E. Stanhope) is prevented from addressing the House again. As, however, there are some observations which it is necessary to notice, I venture to detain the House for a few moments before we go to a Division. The right hon. Gentleman who has just sat down has dealt with the great loss which the fall in the price of silver has placed, during the past few years, on the Revenue of India, and he calculates that that fall has imposed a loss of something like £3,400,000 annually on the Revenue of India. But my hon. Friend the Under Secretary of State explained that these figures only represented the loss by exchange, and did not mean that that sum is money in gold annually lost. He simply stated that that was the loss, applying to these figures exactly the same test as is applied to every other figure of the accounts—upon the number of rupees annually remitted to this country in order to make certain payments in gold in this country.

fore, the loss is not in gold; but it should be put in this way—that the Indian Government, in consequence of losses by exchange, have now to remit something like £3,400,000, or three crores 40 lacs, upon all the gold payments in this country, the difference between the nominal price of the rupee as taken in the accounts — namely, two shillings, and its actual market price in this country. But still, making all allowances for that difference, the loss is so serious that if anyone could suggest any practical means by which this loss could be reduced the Government would gladly adopt it. But in all propositions involving a change in the currency, we have to consider two separate questions. First, we have to consider whether or not any alteration in the standard will be suited to the wants and conditions of the people of India; and, secondly, we have to take care that any remedy or alteration proposed will mitigate, and not aggravate, the present condition of things. It seems to me, and I speak with all diffidence on this subject, that the great object we should have in view is to raise, if possible, the price of silver in London, and not in India. I believe that the purchasing power of the rupee in India has not greatly fallen, and that was, indeed, one of the first propositions of the right hon. Gentleman. It seems to me self-evident that so long as there is a great demand in India for silver, and a small demand for it in England, so long must the purchasing power of silver in India be greater than it is in England. Possibly, some proposition might be made by which the value of silver might be raised in England. Undoubtedly, the sale of the Secretary of State's bills in London has a most depressing effect upon the silver market. How depressing that is I can well illustrate by some figures which I laid before the House some two or three years ago. In the year 1876, there was a very sudden fall in the price of silver. I believe that experts differ as to the actual amount of silver in circulation throughout the world; but I believe the lowest estimate puts the amount at £600,000,000 sterling. It is a curious illustration that I am about to give of the connection between cause and effect. Between January and July of that year, the Secretary of State for India succeeded in selling £2,700,000 of ru-

Lord George Hamilton

pees. But the sale of those bills mainly, as I believe, reduced the price of silver as quoted in the London market by 11½ per cent! That very forcibly illustrates the extreme difficulty in which the Secretary of State for India was placed in getting rid, upon advantageous terms, of his drafts upon India. The proposition of the right hon. Gentleman is that we should issue notes in India to represent gold. The first criticism I make upon that is that no notes would have any value, unless they represent something; and although you may say they represent gold, unless the Government have the gold nobody will believe them. The second great objection I have to make is that if you once attempt to make silver a token currency, you involve yourselves in interminable difficulties with the occupiers of land. Then, what are you to do with the enormous amount of rupees in circulation in India, where, at present, there is no token currency, and the purchasing power of the rupee is exactly corresponding to the intrinsic value of the silver contained in it? Another objection is, that if you increase the currency of India by the printing press, by circulating notes, you must diminish the demand in India for silver; and as you diminish the demand for silver in India, so do you reduce the price of silver in London. Therefore, if we adopt the proposal of the right hon. Gentleman, it seems to me that it might have exactly the reverse effect of what we propose, and so far from increasing the price of silver in London, which is the main object of every remedy, it might do just the contrary. The silver market is undoubtedly in a state of excessive sensitiveness, and its extreme fluctuations have undoubtedly been aggravated by the Bills which the Secretary of State has been forced to sell. I think no one who has looked into the Home charges can believe that any great reduction can be effected. If you apply the most drastic scheme of economy, it could not, for many years, seriously effect the Home charges of the Indian Government, because nearly all of them are connected with services which have been rendered, with money which has been borrowed, with materials which have been forwarded for the benefit of India. Therefore, it is impossible materially to reduce the sums payable in gold in this country unless the Indian

Government repudiates its liabilities, which, of course, is impossible. Such being the position of affairs, the Secretary of State must find ways and means to meet this Home liability. Of course, *prima facie*, nothing can be more objectionable than getting out of his difficulties by constantly borrowing in this country, because there can be little doubt that one of the main causes of the present condition of things was the system, adopted some years ago, of always borrowing in London for the benefit of the Indian Government. Unfortunately, owing to the peculiar system of accounts adopted, all the liability for the railways was excluded from the capital expenditure, and it was not until a very short time back that this House and the public became aware how great a debt the Indian Government had in England. If, then, it be objectionable, permanently to increase the debt by borrowing in England, I think it may very fairly be asked why the Government ask leave to raise a loan of £5,000,000 in this country? My hon. Friend the Member for Hackney (Mr. Fawcett) made a very unjust criticism upon the proposal, when he called it a proposal to speculate in silver. Now, Sir, so far from the Secretary of State for India having any wish to speculate in silver, I am quite sure I am only expressing the wish of everybody in the Office, when I say that their wish is to have nothing whatever to do with silver. Unfortunately, the Secretary of State, from the exigencies of his position, is the largest seller of silver in the world, and he is obliged to force his silver on the market, whether it is wanted or not. Now, the silver market is like an individual—it has got a digestion, and it can assimilate a certain amount of food. But, if you overload its digestion, like an individual, also, it has a fit of indigestion, and then it cannot assimilate the amount that it could before. I think there are indications that the exchange will improve. I saw a statement, the other day, in the newspapers, and it has not been since contradicted, that there is a complete failure of the Italian silk crop, and that the French crop has been materially affected. In the year 1876 there was a similar failure in the silk crop, and the result, though the House will hardly believe so incredible a statement, is that it made the exchanges rise 20 per cent. If there

be this failure of the European silk crop, there will be an increased demand for Eastern silk, and that cannot fail to engender an increased demand for silver, and a rise in the exchanges. Suppose, then, by a judicious use of this loan of £5,000,000, though I hope the Secretary of State for India will only find it necessary to use a part of it, we are able to raise the price of the rupee. It by no means follows, although you may increase the permanent liability of the Indian Government in England, that therefore you are causing a larger number of rupees to be remitted from there. If, through the use of this loan, silver rises a penny in the rupee, that is a gain of 4 per cent, and upon a payment of £15,000,000, taking the rupee at 2s., it is a gain of £600,000; while if the Indian Government were to spend the whole of this loan, which is most improbable, it will only add permanently to the annual liability of India the sum of £200,000. What we have to consider to-night is not so much the net amount of pounds sterling which have to be paid, as the number of rupees which the Indian Government will have to get to England to meet these payments. Of course, the House may say, although I can hardly believe it under the circumstances, that it does not think it desirable that the Secretary of State for India should have any borrowing powers. If it does that, it will have the effect of forcing him to get home an enormous amount of silver from India. I read only the other day a letter in *The Economist*, written by an Indian merchant, which expresses so well what the position of the Secretary of State for India is with regard to these Bills, that I will just read two sentences—

“Why does the Secretary of State for India push his bills down people's throats? The result is that the poor draftsmen are the victims of speculators and the puppets of Exchange bankers.”

So far as I know, that is exactly correct. The number of purchasers of Indian bills is very small, and, therefore, they can drive by a combination the Secretary of State for India into a corner. It must be remembered that this matter of silver does not merely affect the Government of India. It affects also the whole of our Eastern trade. The depreciation in the value of silver need not necessarily injuriously affect

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those who trade to the countries where silver is the standard of value; but what is absolutely ruinous to the trade are these constant fluctuations up and down, because they render unstable the standard of value, which is the basis of calculation of the profits of the individual. I hope, if it was necessary to make out any case after the speech of my hon. Friend, that I have made out a case which will justify the House in giving its assent to this loan. The course of treatment which we are adopting very much resembles that course of medicine known as homœopathy, which, by giving the patient infinitesimal doses of the poison from which he is suffering, finally ejects it from the system altogether. Perhaps I may be permitted also to say a few words with regard to Indian finance. Undoubtedly the Resolution withdrawn last night which commenced with these words, "This House views with apprehension the condition of Indian finance," did give expression to a feeling of inquietude which it would be very foolish of me to ignore. One may very fairly ask—"What is the cause of that uneasiness?" It is not caused, as was said last night, by the hon. Member for Orkney (Mr. Laing), by any falling off in the Indian Revenues. Figures show that the Revenue, under seven years of extraordinary pressure, remain firm. Eliminating all disturbing influences, the taxes, which, seven years ago, brought in a certain sum, bring in now a larger sum. Neither can it be found in an increase of the ordinary Expenditure. I can show that there is very little increase in the Civil and Military Expenditure. Excluding the war in Afghanistan, there was no considerable increase in the Military Expenditure, and what increase there is was due almost exclusively to changes at home, in consequence of alterations in the terms on which men are enlisted. If, then, these apprehensions were not on account either of a great diminution of income or a great increase in Expenditure, what is the cause of it? I think the cause is that our Government, from the time it came into Office up to the present time, has been subjected to an almost unparalleled pressure. I can illustrate how enormous the strain has been by giving one set of figures. The Expenditure over and

above the ordinary Expenditure of India, for which the Indian Government have had during the past seven years to find Ways and Means, taking the rupee at the ordinary rate of 2s., amounts to the enormous sum of upwards of £57,000,000. The items are £2,600,000 for the war in Afghanistan. That is an expenditure for which, no doubt, Her Majesty's Government are responsible, and they are quite ready to defend their action. The other items are £16,000,000 incurred on behalf of Famines, £28,700,000 incurred for Public Works, which, whether the system is right or wrong, is a system that was in existence when we came into Office, and £9,700,000 loss by exchange. I arrive at this last item by taking the average loss on exchange to India during the seven preceding years, and during the seven years we have been in Office, and the sum lost in the last seven years exceeds that lost in the first period by £2,700,000. Now, how has that £57,000,000 of exceptional Expenditure been met? It is very frequently said that the India Office takes a very optimistic view of Indian finance; but I think I may say in regard to myself and my hon. Friend that no figure or fact ever set by us before the House has been disputed. Nor do I think that even in my most sanguine mood I should ever have ventured to predict that India, during seven years of such extraordinary depreciation, would be able to meet so large a proportion of the charges out of her ordinary Revenue. Now, how has this amount been met? In three ways. By loans, by the reduction of cash balances, and by payments out of ordinary Revenue. The increase in loans during this seven years has been £33,400,000. There has been a decrease in the cash balances of £8,000,000, but, of that, £4,000,000 to municipalities; so that that makes a total, with the loans, of £37,400,000. Therefore, during these seven years of extraordinary depression, the Revenues of India have found very nearly £20,000,000 to meet the extraordinary charges. From these figures we may draw one very safe conclusion. If you could altogether eliminate from consideration these abnormal charges, no doubt the prospects of Indian finance would be most flourishing. If, on the other hand, every seven years these enormous charges are to be im-

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posed upon the Indian Revenues, and we are to be required to find Ways and Means to the amount of £57,000,000 over and above the ordinary Expenditure, no words used in this House are sufficiently gloomy to depict the prospects of Indian finance. But I believe the right and correct view is that although these difficulties will from time to time occur, it is almost impossible for them to occur again simultaneously, as they have done. If we can only reduce our Expenditure, so as to increase that great margin between Expenditure and income which I have already mentioned, and if we are only fortunate enough in the future to have our one difficulty at a time to deal with, I believe, by thrifty and judicious administration of Indian finances, we can so increase the present margin between Revenue and Expenditure, that in a very short time those who now use such strong and gloomy language concerning the state of our finance will be the first to laugh at their own fears.

Motion made, and Question proposed,
"That the Debate be now adjourned."
(*Mr. J. K. Cross.*)

THE CHANCELLOR OF THE EXCHEQUER said, the arrangement was that the debate should be taken on the Motion that Mr. Speaker do leave the Chair, and that if it lasted more than two nights, that the Resolutions should be passed, and the debate resumed at another stage of the proceedings. He hoped the House would permit that arrangement to stand, and the Vote for the loan to be taken now. The Government, of course, would feel bound, on the second reading of the Bill, for instance, if that were convenient, to put that stage of the Bill in such a position as would give full opportunities for further discussion.

MR. GLADSTONE, if he understood the Chancellor of the Exchequer rightly, believed what was of importance was to get through the first stage of the Loan Bill, and that the passing of the Budget Resolution was a matter of form of no practical importance. Unfortunately, they had not had two full nights' debate; and, under the circumstances, he thought the most convenient course would be that his debate should continue on a future night, but that the Government should be allowed at once to take the first stage

of their Loan Bill. Otherwise, those who had already spoken would be able to speak again; while, as to the Under Secretary of State for India, he was sure the House would do in his case what it had not unfrequently done before, and permit him again to address it on matters arising in the debate.

MR. E. STANHOPE said, that, after the expression of the views entertained by the right hon. Gentleman the Member for Greenwich, which seemed to be generally shared by the House, the Chancellor of the Exchequer would be prepared to adopt the course which he suggested. It would, therefore, be understood that the debate on going into Committee on the East India Accounts would be postponed to a future day, and that the Government should now be allowed to take the Resolution on the East India Loans Bill.

MR. FAWCETT, said, it would be very convenient for hon. Members if the Under Secretary of State for India, when he came to reply, would explain more explicitly what was to be the nature of the Commission of Inquiry into the state of the Indian Army which he proposed to appoint. Some persons thought it was to be a Commission in India, others said it would be a mere departmental inquiry, while others indulged the hope that it was to be a Commission not merely to inquire into departmental questions, but into all questions of military organization. Without such an inquiry, indeed, any attempt to reduce military expenditure would be perfectly ineffectual.

MR. GOSCHEN wished to urge upon the right hon. Gentleman the extreme importance of resuming the debate at the earliest possible date. The attention of the whole mercantile world, both in England and in India, was fixed upon the very serious issues raised in regard to the silver question. It was of the utmost importance that this question of the bearing of the depreciation of silver upon the Revenues of India should be discussed at the earliest possible moment, in order that no hopes might be raised which afterwards were frustrated by the impracticability of the schemes proposed. This question of silver must be argued out; and as he was the Chairman of the Committee which considered this question two years ago, and as he also represented the Government at the Conference

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which inquired into the silver question in Paris last year, he certainly should consider it his duty not to shrink from stating his views.

Motion agreed to.

Debate further adjourned till Thursday, 12th June.

EAST INDIA [LOAN].

Considered in Committee.

(In the Committee.)

Motion made, and Question proposed,

"That it is expedient to authorise the Secretary of State in Council of India to raise in the United Kingdom any sum or sums of money, not exceeding £10,000,000, for the service of the Government of India, on the security of the Revenues of India."

MR. E. STANHOPE, in moving the Resolutions, asked leave to say a few words on a point as to which some misunderstanding had arisen. He wished to make it clear upon what grounds the Government thought it necessary to refuse their assent to the proposition of the Indian Government with regard to the depreciation of silver. He mentioned that when these propositions were received, the Government thought they ought to be looked at not solely with reference to India, but with regard to the other interests to be considered. What he intended to convey to the House was, that they did consider not only what he might call Imperial interests, but the suitability of these propositions themselves to the special circumstances of the case—that was to say, they considered the propositions upon their merits. On both these grounds, after looking carefully into the matter, the Committee considered it their duty to recommend the rejection of the propositions of the Government of India. He had only now to ask leave to substitute five for ten in the proposed Resolution.

Amendment proposed, to leave out "£10,000,000," in order to insert "£5,000,000,"—(Mr. Edward Stanhope,)—instead thereof.

Question proposed, "That '£10,000,000' stand part of the proposed Resolution."

SIR GEORGE CAMPBELL asked, whether the Correspondence would be given to the House which contained

Mr. Goschen

the despatch to the Government of India in regard to their proposals?

MR. E. STANHOPE replied, that the Correspondence was not yet complete, but the despatch would shortly be sent. He was afraid for that reason it would not be possible at that moment to lay it before the House.

MR. GOSCHEN asked whether it would be possible for the Government to furnish the House with the latest information from the Consuls or other authorities abroad with regard to the production of silver in other countries? Investigations were made, bringing the information down to a certain date, and it would afford great satisfaction if Papers could be laid on the Table giving further information. Perhaps, also, during the Whitsuntide Recess the Government could obtain some fresh, distinct, official information from their Representatives in Berlin with regard to the stock of silver in Germany, and the sales of the German Government. He knew that a certain amount of secrecy had been observed in regard to this matter; but if an authentic statement could be placed before the House of the actual amount of silver sold up to the present time, it would be exceedingly advisable that that should be done. He would, indeed, go further, and ask the Government to give the House all the information in its possession on the subject of silver.

MR. E. STANHOPE replied, that the Government recently took steps to collect and systematize all the information on the subject in their possession. He did not know whether there were any further Papers on the subject which he would be able to lay on the Table; but he would look over those in his possession, and if he could give the House any further information he should be very glad to do so.

MR. ONSLOW suggested that the report of the Currency Commission of 1866, which elicited a great deal of very valuable information, should also be laid on the Table of the House.

Question put, and negatived.

Question, "That '£5,000,000' be inserted, instead thereof," put, and agreed to.

Main Question, as amended, put.

Resolved, That it is expedient to authorise the Secretary of State in Council of India to raise

in the United Kingdom any sum or sums of money, not exceeding £5,000,000, for the service of the Government of India, on the security of the Revenues of India.

Resolution to be reported upon *Monday* next.

INTOXICATING LIQUORS (IRELAND) BILL.

THE ADJOURNED DEBATE.

MR. CALLAN said, that the hon. and learned Member (Mr. Sullivan), who had charge of the Bill had asserted that, unless he could move the second reading at an early day, he should move to discharge the Bill. He found that the hon. and learned Member had not put in an appearance, nor had he given any instructions on the subject. Under those circumstances, he (Mr. Callan) did not feel justified in moving that the Order be discharged; but he assured the House that if the Order was postponed until Monday, and the hon. and learned Member then did not move its discharge, he himself would do so.

MR. SPEAKER said, that in the event of no day being fixed for the adjourned debate it became a dropped Order.

COMMON LAW PROCEDURE AND JUDICATURE ACTS AMENDMENT BILL.

(*Mr. Waddy, Mr. Wheelhouse, Mr. Ridley.*)

[BILL 181.] SECOND READING.

Order for Second Reading read.

MR. WADDY, in moving that the Bill be now read a second time, said, it had been submitted to the Attorney General, and had received his sanction. With the exception of some clauses at the end, which had reference to a matter of procedure, the Bill proposed simply to extend the powers of the official Referees, by giving them the opportunity of doing work which at present they were unable to do, and to prevent their getting into difficulties by conflicts of jurisdiction.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Waddy.*)

MR. HERSCHELL did not know whether the Attorney General had given his careful attention to the Bill; but, for his part, he had considerable doubts

as to the correctness of its principle. Instead of referring a matter to the Referee to decide, this Bill proposed to refer a case to him for decision once for all. He thought it was far preferable to adopt the procedure instituted by the Judicature Acts, and to send a matter to the Referee to report. He did not think it was at all an improvement to enable a Judge or the Court to refer a case to the Referee for him to decide as arbitrator. That should only be done by consent of the parties, as at present.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought the principle of the Bill was one which ought to be approved. It was at first the opinion that under the Judicature Acts a Referee could deal with the whole matter; but recent decisions had shown that that was not so, and that the Referee's power was very considerably defined and limited. For his part, where the parties to the action consented, and where the Court thought it right that the Referee should have full power to decide the whole matter, and how the costs should go, he could see no objection to such a rule. In his humble opinion, if such a provision were passed into law, it would render the Referees a great deal more useful than they were now, and would induce parties to go before them much more frequently than was at present the case. There were other provisions, with regard to giving bankers' notes in evidence, which he had not very carefully considered, and therefore he reserved to himself the right to consider these in Committee.

Motion agreed to.

Bill read a second time, and committed for *Monday* 9th June.

COSTS TAXATION (HOUSE OF COMMONS) BILL—[BILL 190.]

(*Mr. Raikes, Mr. Mowbray.*)

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Raikes.*)

MR. W. H. JAMES moved the adjournment of the debate till after Whitsuntide. The Bill was only read a second time the night before; and though

he believed its proposals were equitable, yet he thought that time should be given in order that the measure should be sent down to town clerks and others in the country whom it affected, for their consideration.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. James.*)

Mr. RAIKES had not the least desire to ask the House to proceed with extraordinary haste; but he thought the hon. Gentleman was hardly acquainted with the objects of the Bill. It proposed no new costs and no new system of taxation, but simply proposed to legalize a system which had been in operation for 30 years, of taxing Provisional Orders and Bills of that description in the same way as if they were private Bills. The officer of the House in charge of these Bills had recently had occasion to consider the matter, and he came to the conclusion that there was some question as to its legality. As that officer was paid by salary and not by fees, it made no difference to him, and it was merely enacting the existing practice, because some doubts had arisen on the subject. It did not make any change in the existing practice, and did not impose any fresh costs.

Mr. COURTNEY said, if the Bill merely legalized an existing practice which had been pursued for so many years, it surely might be pursued a little longer. Why could not the hon. Gentleman allow the Bill to be postponed till after Witsuntide.

Question put.

The House divided:—Ayes 21; Noes 41: Majority 20.—(Div. List, No. 110.)

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

Bill considered in Committee, and reported, without Amendment; to be read the third time upon *Monday* next.

BARRISTERS (IRELAND) BILL.

On Motion of Mr. CALLAN, Bill to amend the Law relating to the admission of Barristers to practise in Ireland, ordered to be brought in by Mr. CALLAN, Mr. PATRICK MARTIN, and Mr. KING-HARMAN.

Bill presented, and read the first time. [Bill 191.]

Mr. W. H. James

REGISTRATION OF PARLIAMENTARY VOTERS (IRELAND) BILL.

On Motion of Mr. CALLAN, Bill to amend the Law regulating the Registration of Parliamentary Voters in Ireland, ordered to be brought in by Mr. CALLAN, Mr. MAURICE BROOKS, and Major NOLAN.

Bill presented, and read the first time. [Bill 195.]

House adjourned at a quarter after One o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, 26th May, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Provisional Orders (Aminster Union, &c.) * (94); Local Government (Highways) Provisional Orders (Buckingham, &c.) * (95); Local Government (Poor Law) Provisional Orders * (96); Summary Jurisdiction * (97); Trustee Acts Consolidation and Amendment * (98).

Second Reading—Committee negatived—Considered—*Third Reading*—Consolidated Fund (No. 3)*, and passed.

AFGHANISTAN—THE WAR—SIGNING OF A TREATY OF PEACE.

OBSERVATION.

VISCOUNT CRANBROOK: My Lords, I have an announcement to make to your Lordships. I have this day received a telegram from Major Cavagnari stating that he has this day signed a treaty with the Ameer of Cabul.

SOUTH AFRICA—NATAL AND THE TRANSVAAL—APPOINTMENT OF SIR GARNET WOLSELEY AS HIGH COMMISSIONER.—OBSERVATIONS.

THE EARL OF BEACONSFIELD: It may be convenient, and perhaps interesting, to your Lordships to know that Her Majesty has been pleased to appoint Lieutenant General Sir Garnet Wolseley to be Governor of Natal and the Transvaal, and to be High Commissioner and Commander-in-Chief in those Colonies, and in the lands adjacent to the North and East of those Colonies in South Africa. I believe that at this time Sir Bartle Frere has returned to Cape Town; and Sir Bartle Frere will exercise the power which he possesses in the Cape Colony, and in all the adjacent dependencies and regions attached. I ought, perhaps, to remind your Lord-

ships—what it is necessary to remember in considering these matters—that the distance between the seat of Sir Bartle Frere's authority and the seat of war is upwards of 1,000 miles. Papers explanatory of these arrangements will be immediately placed on your Lordships' Table.

THE EARL OF KIMBERLEY: I should like to know from the noble Earl, whether Sir Garnet Wolseley will have supreme command of the Military Forces?

THE EARL OF BEACONSFIELD: The rank which Sir Garnet Wolseley holds would give him immediately that supreme command; but I do not contemplate, in the statement I have made, that the country will be deprived of the services of Lord Chelmsford.

ARMY—THE BRIGADE DEPOT SYSTEM RESOLUTIONS.

THE EARL OF GALLOWAY, in rising to call attention to the Report of the Militia Committee presented to Parliament in 1877, and to move Resolutions, said, that towards the close of the Session of 1875 he ventured to bring before their Lordships three Resolutions condemnatory of the brigade depot system. Considerable discussion arose on that occasion, and he was induced to withdraw his Resolutions, upon the understanding that Her Majesty's Government would prosecute an inquiry into the matter. They had redeemed their promise by the appointment of the Militia Committee, presided over by Colonel Stanley, whose lengthy investigation had, he contended, shown that the system to which he referred had not worked well. He (the Earl of Galloway) should explain that this Committee was—to use the official explanation of it—termed “the Militia Committee,” for the sake of convenience, in order to distinguish it from the numerous other Committees previously appointed; and that the special instructions issued to this Committee were “to inquire into the working of the Brigade Depot System.” There seemed to be some considerable confusion in the public mind as regarded the two questions of short service and the brigade depot system. It was supposed by many persons that the two systems were identical, and some excuse had been made for the failure of

the brigade depot system on account of the institution of short service. It was, however, a mistake to suppose that the two systems were identical. The Short Service Act was introduced by the noble Viscount opposite (Viscount Cardwell) in the year 1870, and it was not until two years later that the brigade depot system was instituted. What he (the Earl of Galloway) wanted to suggest was that it was very lamentable that, owing to the Short Service Act, the troops now engaged in South Africa and elsewhere should be so young and of such limited service in the Army. But the circumstance that the regiments at home had to be emasculated in order to make up the regiments for these expeditions was due, not to the short service system, but to the system of brigade depots, which might be called the cradle of attenuated battalions. The objections which he had urged against the military policy of the noble Viscount opposite in both Houses of Parliament were directed to those parts of it which would have the effect of reducing the *personnel* and war material of the Army and of abolishing Purchase, his main reason for the course he took with regard to the latter question being that he saw no reason for imposing an additional pecuniary obligation on the country without a corresponding advantage being gained; whilst, on the former point, the noble Viscount had been forced himself to commence re-augmentation before leaving the War Office. He had never criticized the determination of the noble Viscount with regard to the short service system; indeed, he thought the noble Viscount had been somewhat hardly treated by those who had done so, seeing that it had hardly had a fair trial. If all those who had enlisted under it had remained in the ranks for six years—some of them had been allowed to go after three—there would not have been so much cause for complaint as existed at the present moment. He was not, however, a disciple of the system of short service; indeed, he had always disapproved of it, it being his opinion that the country should look to the Militia for Reserves. At the present moment there were 100,000 to 120,000 Militiamen in the country, one-fourth of whom were available as Militia Reserves. We could not afford to have attenuated battalions in our Regular Force to any large extent; and, there-

fore, he would suggest that the Militia should be increased to the tune of 200,000 men, and that two-fifths of that number should serve as Militia Reserves, and be available at any moment to strengthen the battalions of the Line. He was emboldened to state that view on account of having that morning read a speech to the same effect of the late Lord Sandhurst. He thought the country was indebted to the noble Viscount for having attempted to combine the different Military Forces of the Kingdom. The failure of that attempt was, he contended, a matter for regret. The country was indebted to the noble Viscount for having given Queen's commissions to the officers of the Auxiliary Forces, and for having taken steps to improve their knowledge of their duties. He contended that the nature of the avowed policy of the noble Viscount during the first three years of his military administration was such as to entitle him to expect that the noble Viscount would support the first of the Resolutions which he (the Earl of Galloway) had placed upon the Paper. He proposed, with the aid of extracts from the speeches of the noble Viscount, to show how different was the plan for military re-organization which was suggested in 1872 from that proposed in the three previous years; and how the plan which eventually was carried out differed from that which the noble Viscount previously announced as about to be carried out. He proposed afterwards, as the Government had advertised their utter incompetency to deal with the question, to make a few suggestions, by the adoption of which the present unfortunate state of affairs might in a measure be rectified. He would ask their Lordships to travel back 10 years—to the "first Session of the General Reformation Parliament." The noble Viscount then said that there were in the regiments of Guards not only a general commanding the whole brigade, but also a lieutenant-colonel, who was the head of a brigade within a brigade, to which he (the noble Viscount) greatly objected, and that he proposed that a lieutenant-colonel of the Guards should in future in reality command his own battalion. Now, that very system of having an officer at the head of a brigade within a brigade was exactly what the noble Viscount instituted in 1872 all over the coun-

try. The noble Viscount also stated in 1869 that he agreed that the cost of depôts was much too great, and undertook to reduce it. Their Lordships would, however, see, by-and-bye, that the cost of the depôts, now become brigade depôts, had by no means been reduced; but, on the contrary, considerably increased. In 1870, the noble Viscount took great credit to himself for having reduced the number of officers; but, at the present moment, in the event of real war, was it certain that we should find ourselves at all overburdened with officers in the junior ranks? That was a point on which he (the Earl of Galloway) had very serious doubts. The noble Viscount also propounded a scheme for "consolidating together the whole of our military system, Regulars and Reserves." With all due respect for his noble Friend, he could not think that our military system had really been welded together in a satisfactory way. Early in the year 1871 the noble Viscount made a statement to the effect that it was the desire of the country that all their Military Forces should, as far as possible, be formed into one harmonious body. With that view, he said, they had provided in the Estimates for a colonel and staff for each of the sub-districts; that the colonel, who was to be a kind of brigadier, would have under him between 15,000 and 20,000 of the Auxiliary Forces. Such was the scheme of the noble Viscount; but he regretted to say that experience showed that the brigade depot system was costly and inefficient, and that it removed a great number of officers from the command of their proper officer, and placed them under that of the commander of the depot battalion. If the comprehensive idea of the noble Viscount had been carried out, if each of the sub-districts contained from 15,000 to 20,000 of our Auxiliary Forces, there would be no occasion for more than 16 or 18 sub-districts; but, as it was, they numbered about 70. The officer in command of each of the sub-districts was to be a brigadier—meaning that he was not to have anything to do with regimental duties. Such was the scheme of 1871. In the following year, the noble Viscount referred to his declared policy of the previous Session, and his desire to combine together in one harmonious whole all the Forces provided for by the Votes of Parliament. The number of regi-

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ments on foreign service had, he pointed out, been reduced—a fact which enabled them to have the number of regiments at home and abroad nearly equal; and reference was made to the short service system, established in 1870, with a view to secure a competent Reserve. The noble Viscount referred, at some length, to the advantage of localizing the Forces. It identified the men with the locality; it induced men in the Militia to join the Army; it attracted recruits to the Army, and prevented the competition which had existed in recruiting between the Army and the Militia. He (the Earl of Galloway) could not help thinking that some of these objects had not been attained. The noble Viscount added that one great object of any military system in time of peace was to prepare for a state of war; and the test, he said, of a peace organization, was its ability to place as large a Force in the field as was consistent with a peace expenditure. The noble Viscount then unfolded his plan, which was very different from that he had sketched out in the previous year. It was intended, he said, that of two Line battalions united in one brigade, one should be at home, and the other abroad; that two Militia regiments should be associated with them in the same brigade, with a colonel of the Regular Army acting as brigadier; and he added that it was intended to create 66 sub-districts throughout the country—a different proposal from that which was made the year before. The noble Viscount had a great and laudable object in view, and that was the combination of the whole of our military system. He thought he might describe the noble Viscount's two propositions in this way—that, during the first three years of his administration, he had in his mind a scheme both comprehensive and comprehensible; that, in the year 1872, he still had in his mind a scheme which was comprehensible, but the reverse of comprehensive; and that the scheme, as it was actually carried out, was both incomprehensible and incomprehensible; and, without any intention of implying disrespect, he did not think that in the end the noble Viscount comprehended the conditions of the system which he had been so anxious to introduce. He therefore thought that the time had come when their Lordships and the country should fully understand

something about it. It was well known that the system was adopted chiefly on the recommendation of Major General Macdougall's Committee of 1871, who, in a Memorandum which he submitted to the Militia Committee of 1876, which was considering the question, said—

“The advantages of linked battalions over an organization in regiments of one battalion only cannot be exaggerated, and, indeed, are not disputed.”

Now, only a week ago, the illustrious Duke on the cross-benches (the Duke of Cambridge) gave it to be understood that he did not see how the system of linked battalions was to be carried out; and his (the Earl of Galloway's) own belief was that if the evidence of Major General Macdougall was carefully read by the editors of the leading newspapers in this country, and commented upon by them in their journals, the brigade depot system would, within a very few weeks, come to an end. For what did the gallant General go on to say? In answer to Major General Herbert, he stated—

“In all cases where the two linked battalions were abroad in time of war, though it is not very likely they would be both abroad”—

In his (the Earl of Galloway's) opinion, a very erroneous impression, seeing that, at the present moment, we had 85 battalions abroad and only 55 at home—

“Two Militia regiments would be embodied. These two Militia regiments,” he added, “will practically take the place of the two linked regiments of the Line.”

So that, in order to carry out this system, we ought, at the present moment, considering there were 85 battalions abroad and only 55 at home, to have 15 battalions of Militia embodied and to have raised 15 depot battalions, of six or eight companies each, containing 600 or 800 men. Pressed to state what was the great advantage of the linked battalion system, Major General Macdougall finally admitted his meaning to be that an organization, not of linked battalions, but of three battalions, was “an immense advantage over an organization of regiments of one battalion”—a fact which nobody disputed. Now, a system of three battalions was intelligible; but when they were entirely dependent, ^{on each other} one being invariably kept at home to the order to carry out the linked brigade or brigade depot system, and ~~them~~ which

fore, the loss is not in gold; but it should be put in this way—that the Indian Government, in consequence of losses by exchange, have now to remit something like £3,400,000, or three crores 40 lacs, upon all the gold payments in this country, the difference between the nominal price of the rupee as taken in the accounts — namely, two shillings, and its actual market price in this country. But still, making all allowances for that difference, the loss is so serious that if anyone could suggest any practical means by which this loss could be reduced the Government would gladly adopt it. But in all propositions involving a change in the currency, we have to consider two separate questions. First, we have to consider whether or not any alteration in the standard will be suited to the wants and conditions of the people of India; and, secondly, we have to take care that any remedy or alteration proposed will mitigate, and not aggravate, the present condition of things. It seems to me, and I speak with all diffidence on this subject, that the great object we should have in view is to raise, if possible, the price of silver in London, and not in India. I believe that the purchasing power of the rupee in India has not greatly fallen, and that was, indeed, one of the first propositions of the right hon. Gentleman. It seems to me self-evident that so long as there is a great demand in India for silver, and a small demand for it in England, so long must the purchasing power of silver in India be greater than it is in England. Possibly, some proposition might be made by which the value of silver might be raised in England. Undoubtedly, the sale of the Secretary of State's bills in London has a most depressing effect upon the silver market. How depressing that is I can well illustrate by some figures which I laid before the House some two or three years ago. In the year 1876, there was a very sudden fall in the price of silver. I believe that experts differ as to the actual amount of silver in circulation throughout the world; but I believe the lowest estimate puts the amount at £600,000,000 sterling. It is a curious illustration that I am about to give of the connection between cause and effect. Between January and July of that year, the Secretary of State for India succeeded in selling £2,700,000 of ru-

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pees. But the sale of those bills mainly, as I believe, reduced the price of silver as quoted in the London market by 11½ per cent! That very forcibly illustrates the extreme difficulty in which the Secretary of State for India was placed in getting rid, upon advantageous terms, of his drafts upon India. The proposition of the right hon. Gentleman is that we should issue notes in India to represent gold. The first criticism I make upon that is that no notes would have any value, unless they represent something; and although you may say they represent gold, unless the Government have the gold nobody will believe them. The second great objection I have to make is that if you once attempt to make silver a token currency, you involve yourselves in interminable difficulties with the occupiers of land. Then, what are you to do with the enormous amount of rupees in circulation in India, where, at present, there is no token currency, and the purchasing power of the rupee is exactly corresponding to the intrinsic value of the silver contained in it? Another objection is, that if you increase the currency of India by the printing press, by circulating notes, you must diminish the demand in India for silver; and as you diminish the demand for silver in India, so do you reduce the price of silver in London. Therefore, if we adopt the proposal of the right hon. Gentleman, it seems to me that it might have exactly the reverse effect of what we propose, and so far from increasing the price of silver in London, which is the main object of every remedy, it might do just the contrary. The silver market is undoubtedly in a state of excessive sensitiveness, and its extreme fluctuations have undoubtedly been aggravated by the Bills which the Secretary of State has been forced to sell. I think no one who has looked into the Home charges can believe that any great reduction can be effected. If you apply the most drastic scheme of economy, it could not, for many years, seriously effect the Home charges of the Indian Government, because nearly all of them are connected with services which have been rendered, with money which has been borrowed, with materials which have been forwarded for the benefit of India. Therefore, it is impossible materially to reduce the sums payable in gold in this country unless the Indian

Government repudiates its liabilities, which, of course, is impossible. Such being the position of affairs, the Secretary of State must find ways and means to meet this Home liability. Of course, *prima facie*, nothing can be more objectionable than getting out of his difficulties by constantly borrowing in this country, because there can be little doubt that one of the main causes of the present condition of things was the system, adopted some years ago, of always borrowing in London for the benefit of the Indian Government. Unfortunately, owing to the peculiar system of accounts adopted, all the liability for the railways was excluded from the capital expenditure, and it was not until a very short time back that this House and the public became aware how great a debt the Indian Government had in England. If, then, it be objectionable, permanently to increase the debt by borrowing in England, I think it may very fairly be asked why the Government ask leave to raise a loan of £5,000,000 in this country? My hon. Friend the Member for Hackney (Mr. Fawcett) made a very unjust criticism upon the proposal, when he called it a proposal to speculate in silver. Now, Sir, so far from the Secretary of State for India having any wish to speculate in silver, I am quite sure I am only expressing the wish of everybody in the Office, when I say that their wish is to have nothing whatever to do with silver. Unfortunately, the Secretary of State, from the exigencies of his position, is the largest seller of silver in the world, and he is obliged to force his silver on the market, whether it is wanted or not. Now, the silver market is like an individual—it has got a digestion, and it can assimilate a certain amount of food. But, if you overload its digestion, like an individual, also, it has a fit of indigestion, and then it cannot assimilate the amount that it could before. I think there are indications that the exchange will improve. I saw a statement, the other day, in the newspapers, and it has not been since contradicted, that there is a complete failure of the Italian silk crop, and that the French crop has been materially affected. In the year 1876 there was a similar failure in the silk crop, and the result, though the House will hardly believe so incredible a statement, is that it made the exchanges rise 20 per cent. If there

be this failure of the European silk crop, there will be an increased demand for Eastern silk, and that cannot fail to engender an increased demand for silver, and a rise in the exchanges. Suppose, then, by a judicious use of this loan of £5,000,000, though I hope the Secretary of State for India will only find it necessary to use a part of it, we are able to raise the price of the rupee. It by no means follows, although you may increase the permanent liability of the Indian Government in England, that therefore you are causing a larger number of rupees to be remitted from there. If, through the use of this loan, silver rises a penny in the rupee, that is a gain of 4 per cent, and upon a payment of £15,000,000, taking the rupee at 2s., it is a gain of £600,000; while if the Indian Government were to spend the whole of this loan, which is most improbable, it will only add permanently to the annual liability of India the sum of £200,000. What we have to consider to-night is not so much the net amount of pounds sterling which have to be paid, as the number of rupees which the Indian Government will have to get to England to meet these payments. Of course, the House may say, although I can hardly believe it under the circumstances, that it does not think it desirable that the Secretary of State for India should have any borrowing powers. If it does that, it will have the effect of forcing him to get home an enormous amount of silver from India. I read only the other day a letter in *The Economist*, written by an Indian merchant, which expresses so well what the position of the Secretary of State for India is with regard to these Bills, that I will just read two sentences—

“Why does the Secretary of State for India push his bills down people's throats? The result is that the poor draftsmen are the victims of speculators and the puppets of Exchange bankers.”

So far as I know, that is exactly correct. The number of purchasers of Indian bills is very small, and, therefore, they can drive by a combination the Secretary of State for India into a corner. It must be remembered that this matter of silver does not merely affect the Government of India. It affects also the whole of our Eastern trade. The depreciation in the value of silver need not necessarily injuriously affect

[Second Night.]

a many-headed Bill that is dragging through a weary discussion, and it is doubtful when it may become law. Further, the noble Lord the Under Secretary of State recently, in an excellent official speech, showed that his Department thoroughly understands how "not to do it"—there were perfect explanations why the soldiers were young, and the sergeants inexperienced, and the legislative provisions defective; but he made only languid reference to intended remedies for recognized defects, although this particular weak spot in the system—the locking up of the Reserves—was noticed three years ago, and was the subject of much inquiry before this very Militia Committee, of which Colonel Stanley himself was Chairman. I do not follow the noble Earl (the Earl of Galloway) through the interesting details of his speech; but I prefer to give an example of the working of the existing system as it bears upon a particular regiment, the Returns of which I have been able to see. It is a two battalion regiment—one abroad, one at home; from the battalion at home, in the last six months, 352 soldiers have gone, and have been nearly replaced by recruits, some partially drilled at a depôt, some the raw article. And this is supposed to be an efficient battalion, one of the first on the roster for foreign service, or to take its place in the first line of any Army Corps that might be formed. With 141 recruits at drill, and 15 lads, its efficiency must be seriously reduced. And I may give an example of what bystanders think of the present state of things. Two general officers were present on a recent occasion in this House, and heard the views of three noble Viscounts and of other speakers: one of them near the Throne observed to me—"They may say what they please, the whole thing is rotten;" the other at the Bar afterwards said to me—"Why did not you insist on speaking, and tell them that the system is rotten?" Now, I do not say that the whole thing is rotten, because we have that good material to work upon—loyal officers and the right stuff for soldiers; but the right stuff wants keeping. There is no reason why we should be afraid of progress. I remember the change, adopted with some misgiving, from flint locks to percussion arms, and subsequent improvements,

until breech-loaders were introduced. But improvement may go too fast. At Lord Panmure's Recruiting Commission in 1866, when the period of enlistment had been reduced to 10 and 12 years, renewable to 21 years, most of the witnesses were asked if they had heard any one speak well of this system. None of them had anything to say in its favour, except theoretically. Encouraged by which, the next Government reduced the term still further, and landed us in our present difficulty. I cannot help thinking that we have been in rather too great a hurry in jumping at short service. In our anxiety to create a Reserve, we have too much weakened our first line. And to reduce the system of long service with pension we have introduced something like short service with pension; and the Under Secretary of State for War further states that we must be so tender with our Reserves that they must not be worried by anything to remind them that they are soldiers, except, of course, their Reserve pay. There is no occasion to go back to bows and arrows, or flint locks; but we may consider whether we may not have made a mistake in recent changes. All the mutual admiration that may be exchanged across the Table does not alter the fact that regiments have been sent abroad hastily completed with untrained men, and that if re-inforcements are required, they must be of the same character. The matter requires all the attention that the Government, with the assistance of both sides of the House, can give to it.

VISCOUNT BURY said, he did not intend at that time to go into the details of the general military system which had just been attacked by the noble and gallant Earl (the Earl of Longford), who had, as usual, spoken very plainly to the House upon the subject. It was somewhat curious that his noble Friend who introduced the subject (the Earl of Galloway) devoted most of his speech, not to an attack on the Government, but to an attack on the noble Viscount opposite (Viscount Cardwell), whom he (Viscount Bury) would leave to defend himself and his policy. But he had two things to do—he had to show that the Government were not unmindful of the present condition of affairs, but were adopting the course they believed most conducive to putting matters right; and he had to show that the position was one for which

The Earl of Longford

they were not altogether responsible. The noble Earl who brought forward the Motion talked as if the Committee now to be appointed by the Government was to follow on the same lines and deal with the same materials as the two previous Committees. The Committee of 1872, however, was appointed by the noble Viscount opposite, and it resulted in the establishment of the brigade depôt system, in the details of which there were, no doubt, grave defects. The Committee of 1876 dealt not, as had been supposed, with short service, but with the detailed working of the brigade depôt system, and the way in which it affected the Militia. Now, the Committee which the Government proposed to appoint was a purely military Committee, which would deal with existing defects. He had only to refer their Lordships to the speech delivered by the noble Earl that evening, to show how unfitted such an Assembly as theirs would be to deal with the numerous details which had been brought before them. It was acknowledged on all hands that there were defects in the way in which our recruits were sent forward, and the way in which our cadres were filled. The question was, therefore, essentially a military one, and it was a question which ought to be advised upon by military men. He understood his noble Friend (the Earl of Galloway) to say that some decision should be immediately arrived at. But he would ask how was the Secretary of State to come to a right decision unless he appealed to the military men who surrounded him upon this purely military question? The Committee which would be appointed would consist of military men of the highest standing in the country—as his right hon. and gallant Friend the Secretary of State would take every means to assemble around him those whose opinions would carry most weight—and they would investigate, as only military men could investigate, the details of the brigade depôt system. It was for that reason that he did not propose to go into the details into which his noble Friend who moved the Resolutions did, and with which it was impossible for the House to deal. The noble and gallant Earl who had spoken last (the Earl of Longford) said that a short Bill should be introduced to enable the short service men who wished to do

so to return to the Colours. There was already a measure on the Table of the other House containing a clause which dealt with this question. To introduce an Act of Parliament for the purpose of bringing back Reserve men to their Colours was a thing which was much easier said than done, and one which would not result in any saving of time; because experience showed that there were difficulties in getting a measure through the other House quickly, and no doubt, as the subject involved grave Constitutional questions, such a Bill would most certainly be considered by a great number of Members in the other House, and would be warmly debated, and at great length. He held, therefore, that such a Bill as the noble Earl had proposed would not facilitate matters. The question should be left in the position which it now occupied. The Bill which contained the clause referring to it had been read a second time, and was at present being debated in a Committee of the House of Commons. The Government could not be justly blamed for delay, for they could not force a measure through a free House of Commons or through their Lordships' House. Any measure that might be introduced would have to be considered for a reasonable time; and the Government had therefore refrained from bringing forward such a Bill as was proposed by the noble and gallant Earl. A military Committee alone constituted the proper machinery by means of which the Government could inform themselves on the details of the question before their Lordships; and, as he had shown, the course which the Government had pursued, of leaving the question to the ordinary channels of the other House for decision, was, on the whole, the one most likely to save time.

THE DUKE OF BUCCLEUCH said, he entirely concurred in the views of the noble Earl who had opened the debate (the Earl of Galloway), and in many points he could, from his own experience, corroborate the noble Earl. He could not speak of the depôt system generally; but he was strongly adverse to the system pursued in the depôt to which the regiment with which he was recently connected had the misfortune to be attached. The locality in which this depôt was placed was very much exposed to the north and north-east. The subsoil of the locality was wet, while the

surface of the ground was composed of clay. There was no place in the neighbourhood fit for drilling in, or for the movements of battalions. He did not know whether the officer commanding the 62nd depôt was a Staff officer or a regimental officer, as he was seldom seen there, and lived many miles away from it. It was, in fact, often very difficult to know who was commanding officer at the depôt. Sometimes it was the senior captain, who had not given himself leave of absence; but at other times it was the quarter-master sergeant, or the orderly-room clerk. He was glad to hear that the Government contemplated the immediate appointment of a Committee to go into the whole system of the sub-district, depôt, and long and short service systems. Under these circumstances, he did not think that further discussion would lead to any practical result; and, therefore, he suggested that the Motion of the noble Earl should be withdrawn.

VISCOUNT CARDWELL said, he must be allowed to express his surprise at the remarks of the noble Duke who had just spoken (the Duke of Buccleuch). He (Viscount Cardwell) would remind the noble Duke that he was himself one of the most important Members of the Committee which sat in 1876 to inquire into the system that now existed, and that the concluding words of the Report of that Committee were highly commendatory. Those words were to this effect—

"The Committee trust that the conclusions which they have the honour to submit may result in the full development of the system of organization which, upon the recommendation of the highest military authorities, has been so recently adopted and approved by Parliament and by the country."

He was, therefore, very much astonished to hear the noble Duke express the opinions which their Lordships had heard. The opinions of the noble Duke had undergone a most remarkable change since 1876. He did not think it was at all necessary to follow the noble Earl who had first addressed their Lordships upon the subject before them (the Earl of Galloway) into the details he had brought forward in support of the Motion; and inasmuch as the noble Earl had made copious quotations from his (Viscount Cardwell's) speeches, he should take care to trouble their Lordships very little now. The noble Earl had pointed out that in his earlier career he (Viscount

The Duke of Buccleuch

Cardwell) took a view about depôt centres which differed from that which he supported in 1872. The explanation was this—the early opinions were rudimentary opinions, expressed in the course of discussions in the other House. When, however, he came to reduce those views into a practical form, he consulted the illustrious Duke (the Duke of Cambridge), and a Memorandum was prepared advising how those views were to be carried into effect. A Committee was afterwards appointed for the purpose of suggesting the mode in which the work was to be done; and the views to which he referred were repeatedly considered and finally adopted, the expense necessary before they could be put into practice being unanimously sanctioned by the House of Commons, and not questioned by their Lordships' House. The greater part of the speech of his noble Friend had been devoted to faults which were found with the manner in which the system he had introduced had been carried out. But for these faults, he could hardly be held responsible, as he had ceased in 1874 to have any power or control over that system, though he might concur in some of the steps taken by the War Department under the present Government. He did not deny that there might be some faults or defects which it might be necessary to remedy; and although he should not himself think it necessary to propose the appointment of any Committee, he thought it a proper course; and if it were the intention of Her Majesty's Government, in spite of the Report of the Secretary of State, to institute further inquiry, he should be delighted to see it enter upon its labours, and trusted that it might be attended with public advantage.

LORD TRURO asked, whether a list of the names of the proposed Committee, which had appeared in some of the military papers, was correct?

VISCOUNT BURY said, he had not seen the list referred to. As soon as the Committee had been selected, the names would be published.

THE EARL OF LIMERICK observed, that, as a Member of the Committee to which reference had been made, he had signed the Report, because he believed the system inaugurated by the noble Viscount (Viscount Cardwell) could be best carried out in the manner sug-

gested by the Committee. The Committee was appointed to carry out a system which had received the assent of Parliament, and in respect of which a large amount of money had been spent. If the question before them had been an open one, he thought it likely that the Report would not have been in all respects what it was.

THE DUKE OF BUCOLEUCH said, as the noble Viscount opposite (Viscount Cardwell) had accused him of a change of opinion on the subject, he wished to explain that, in signing the Report, he had acquiesced in some things with which he did not altogether agree. He did so in the hope that the new system would prove to be successful; but, as the result of practical experience of it, he must say that he was disappointed in that expectation.

THE EARL OF GALLOWAY expressed himself satisfied with the discussion he had raised, and would withdraw his Motion.

Motion (by Leave of the House) withdrawn.

CONSOLIDATED FUND (NO. 3) BILL.

Read 2^a (according to Order); Committee *negatived*: Then Standing Orders Nos. XXXVII. and XXXVIII. *considered* (according to order), and *dispensed with*: Bill read 3^a and *passed*.

House adjourned at Eight o'clock,
till to-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Monday, 26th May, 1879.

MINUTES.]—SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES, Class III.; CIVIL SERVICES, Classes I. to VII.; and REVENUE DEPARTMENTS.

PUBLIC BILLS—*Resolution in Committee*—East India Loan (Consolidated Fund)*.

Resolution [May 23] reported—Ordered—First Reading—East India Loan (£5,000,000) [197].

Ordered—First Reading—Conveyancing and Land Transfer (Scotland)* [198]; Lord Clerk Register (Scotland)* [196]; Grand Juries (Ireland)* [199].

Second Reading—Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment* [184]; Inclosure Provisional Order (Matterdale Common)* [171]; Inclosure Provisional Order (Redmoor and Golberdon Com-

mons)* [172]; Inclosure Provisional Order (East Stainmore Common)* [174].

Committee—Public Health Act (1875) Amendment [33]—R.P.

Committee—Report—Local Government (Ireland) Provisional Orders (Clonmel, &c.)* [166]; Local Government Provisional Orders (Artizans' and Labourers' Dwellings)* [159]; Gas and Water Provisional Orders Confirmation (*re-comm.*)* [136]; Local Government Provisional Order (Abergavenny)* [137]; Local Government Provisional Orders (Aysgarth Union, &c.)* [142].

Third Reading—Costs Taxation (House of Commons)* [190], and *passed*.

PETITION.

AFGHANISTAN—(EXPENSES OF MILITARY OPERATIONS)—INCIDENCE OF EXPENDITURE.

PETITION PRESENTED.

MR. GLADSTONE: I beg to present a Petition from the Bombay branch of the East India Association against charging upon the Revenues of India all the expenditure of the Afghan War. A summary of their statements on the subject is this—they believe, in the first place, that all Indian opinion is extremely adverse to such a measure. In the second place, they consider that the action and policy of Her Majesty's Government in this war has been directly opposed to the spirit and wording of the 56th section of the Government of India Act, and they ask for a disapproval of it by the House. In the third place, they state that the vote by which this expenditure was sanctioned, on the part of Parliament, was principally founded on the allegation of a surplus Revenue of £1,500,000, by which the charge was to be defrayed; but that that surplus does not really exist, and that the Famine Insurance Fund is absorbed. In the fourth place they state that, although the official estimate of the expenses of the war is £3,000,000, the prevalent belief in India is that it will not cost less than £5,000,000; and they finally refer to a declaration, which they conceive to have been made by Members of Her Majesty's Government, to the effect that the war has been made for European, and not for Indian interests.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SOUTH AFRICA—THE CIVIL AND MILITARY COMMANDS.—STATEMENT.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it may be of interest to the House that I should state that, after full consideration of the condition of affairs in South Africa, Her Majesty's Government have decided that the arrangements, under which the chief Civil and Military authority in the neighbourhood of the seat of war is distributed among four different persons, can no longer be deemed adequate to the requirements of the present juncture. They have, therefore, decided on appointing Sir Garnet Wolseley to the supreme Civil and Military command in Natal, the Transvaal, and the Native territories to the Northward and Eastward of these Colonies, now the seat of war. It will be remembered that this district is at a distance of more than 1,000 miles from Cape Town, where, during the approaching Session of the Cape Parliament, Sir Bartle Frere must be engaged on important and pressing affairs. Papers will at once be laid on the Table explaining the precise nature of the change, and the reasons for it.

MR. W. E. FORSTER: I did not quite gather from what fell from the right hon. Gentleman whether the Transvaal was to be under the new arrangement or not?

THE CHANCELLOR OF THE EXCHEQUER: Yes; I said that Sir Garnet Wolseley was to be Governor of Natal and the Transvaal.

MR. CHILDERS said, that unless the amount of the Estimates and Expenditure for the war in South Africa were laid on the Table before Thursday fortnight, he would ask when hon. Members might expect it to be produced?

AGRICULTURAL STATISTICS — THE CORN RETURNS.—QUESTION.

MR. CLARE READ asked the President of the Board of Trade, If the amount of wheat returned as sold in the 150 market towns of England and Wales from which the Corn Returns are compiled fell from 3,579,623 quarters, in 1865, to 1,942,688 quarters, in 1879; whether he accounts for this great diminution by the inefficient collection of the present Returns; whether, notwithstanding the frequent re-sales

included in these Returns, they represent less than one-fifth of the wheat grown in England; and, whether he has any grounds for believing that the averages calculated upon this basis fairly represent the prices the grower receives for his wheat?

VISCOUNT SANDON: Sir, the subject which is raised by my hon. Friend's Question is a difficult and complicated one, and if I were to endeavour to reply to it I should be obliged to enter into an argument, and, in fact, to make a speech of some length. I have had a careful Memorandum prepared by the Statistical Department of the Board of Trade, and I propose to lay it very shortly upon the Table of the House, so that I may give my hon. Friend all the information that I can obtain on this matter, respecting which I am aware that very considerable interest is felt.

RIBANDISM (IRELAND).—QUESTIONS.

MR. VERNER asked the Chief Secretary for Ireland, If he has seen the statement of Mr. W. Sinclair, of Holy Hill, county of Tyrone, in the "Daily Express" of May 16th, in which that gentleman says—

"Myself detained by illness abroad, I can only hope that the late outrage will draw some attention to the general state of the district, which is at present under the absolute rule of a Ribbon Distillery Gang;"

and, whether this alleged state of things will be at once investigated and put down?

MR. MITCHELL HENRY: Before the right hon. Gentleman replies to the Question, I beg to ask him the Question on the same subject of which I gave him private Notice. It is, Whether he has seen a letter from Mr. Gallaher in the "Londonderry Journal" of the 21st instant, contradicting the statement of Mr. Sinclair, and alleging that the outrage was not a Ribbon outrage, but the result of an Orange conspiracy; and, whether the letter of Mr. Sinclair from Biarritz, in the South of France, stating that certain districts in the county Tyrone were under the absolute rule of a Ribbon distillery gang, is not a great exaggeration of the circumstances of the illicit distillation which is carried on in the neighbourhood, and which was common in various parts of Ireland just as much amongst Protestants as Catholics?

MR. CALLAN also asked, If the Chief Secretary for Ireland has seen the statement of Mr. Patrick Gallaher, of Strabane, in the county of Tyrone, in the "Londonderry Journal," referring to the letter in the "Daily Express" of Mr. Sinclair, of Holy Hill, county Tyrone, of which Mr. Gallaher states "a more unfair communication was never penned by any man assuming to be a gentleman," and that—

"If Mr. Sinclair honestly investigated the matter he would find that the perpetrators of the outrage are closely connected with his own place, where there are a number of rabid Orangemen," and "that there was strong evidence to show that it was the work of some members of that blood-stained society;"

and, whether Mr. Sinclair made any information of the "stills," of the working of which he found traces on ten different farms on his property, or whether he took any steps whatever to abate that nuisance?

MR. J. LOWTHER: Sir, my attention has been called to some correspondence conducted through the Irish Press, in which statements and counter-statements of a recriminatory nature have been indulged in. I am not in a position myself to decide which of the contending parties is in fault; but the only point I think I am called upon to answer is whether at the present time I have reason to believe the district referred to is "under the absolute rule of a Ribbon distillery gang." From the reports I have perused, I believe there is a certain amount of Ribbonism, and I have no doubt there is a good deal of illicit distillation; but as to how far these movements are connected, I must say no evidence has reached me leading me to suppose that both practices are indulged in by the same parties. As regards the steps which it is our intention to take, I can only say the subject is under investigation, and such steps will be taken as are found to be necessary.

MR. CALLAN inquired, Whether any report had been received from the Constabulary authorities; and whether the Chief Secretary had any objection to state whence the statement was supplied, either that there was at present a large amount of illicit distillation, or that there was any Ribbon Society in operation in the district?

MR. J. LOWTHER: I have stated that my impression is derived from the perusal of various reports. This is all the information I have.

MR. CALLAN said, what he wanted to ask was, Whether these reports were newspaper reports, or authoritative reports from the Constabulary Office; whether they were received from those interested in the preservation of peace and order in the district and the maintenance of the Revenue, or whether they were merely the newspaper reports of insane and rabid individuals?

MR. J. LOWTHER: As I have already said, from the various sources of information I had at my command, including official and other reports.

MR. CALLAN: But, Sir, what I wish to ascertain—[Cries of "Order!"]

MR. SPEAKER: The hon. Gentleman having already had a full answer, it is not competent for him now to renew the Question.

POST OFFICE—(TELEGRAPH DEPARTMENT)—FEMALE CLERKS.

QUESTION.

MR. CHAMBERLAIN asked the Postmaster General, Whether it is a fact that the Telegraph Department has ceased to take on female clerks, and that the female branch of the Government Telegraph School has been closed; and, if so, what is the reason for thus excluding women from one of the few opportunities which they have hitherto had of employment in the public service?

LORD JOHN MANNERS, in reply, said, the Post Office authorities had no intention of discontinuing female labour in the Telegraph Department. On the contrary, they were constantly extending it, and were favourable to its extension. In consequence, however, of the excessive amount of labour at the principal London offices at night, which could only be satisfactorily done by male clerks, the further appointment of female clerks to these offices had been suspended, until the number of female clerks had been properly adjusted to the requirements of the Service.

IRISH CHURCH MISSION—DISTRIBUTION OF TRACTS.—QUESTIONS.

MR. O'DONNELL asked the Chief Secretary for Ireland, Whether he is

aware that a regular centre for the printing and distribution of tracts of the most offensive description exists in Dublin, where, it is announced, they are kept—

“Stereotyped, and can be had on application, from one copy to a million copies, at cost price, for universal circulation;”

whether it has come to his knowledge that in these productions catholic places of worship are styled “mass houses,” and catholics are described as worshipping “stone goddesses and wafer gods;” whether such statements, offensive to the religious belief of many millions of Her Majesty’s subjects, are scattered wholesale in trams and Railway carriages, and even in private carriages standing at shop doors, and are flung down areas and thrust into private letter-boxes, and into the hands of passengers through the public streets; and, whether it has not been repeatedly reported to the Government by magistrates, clergymen, and respectable persons of all denominations that such practices are a cause of deep pain to honourable Protestants, and highly calculated to provoke to breaches of the peace among an earnestly Catholic people.

MR. J. LOWTHER: Sir, with respect to the two first paragraphs of the Question of the hon. Gentleman, the facts are as he has stated them. With reference to the third, I understand that these documents have been circulated pretty generally, but no intimation has ever been conveyed which would authorize me to affirm that they have been circulated in the way referred to. As to the fourth part of the Question, I cannot say that any reports have reached me on the subject; but, since public attention has recently been called to it, I have received certain communications—amongst others, I may say, from the secretary and other persons responsible for the conduct of the Irish Church Mission, in which they certainly do express themselves very much in the manner that the hon. Gentleman does, in so far as he says that these practices were the cause of giving pain to honourable Protestants; but, beyond that, no communications have been made to the Government. As to the last few words of the Question, no information has reached me that leads me to suppose that those practices are calculated to provoke a breach of the peace.

Mr. O'Donnell

MR. O'DONNELL asked Mr. Attorney General for Ireland, Why, since in Scotland outrages upon the religious belief of a section of Her Majesty’s subjects can be prevented and punished by the Law, a similar protection has not yet been extended to the Catholic people of Ireland?

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON): Sir, the expression, “outrages upon religious belief,” is somewhat indefinite, and might be used to describe events differing very widely from each other. The reply of the Lord Advocate to a Question put a few days since by the hon. Member with reference to certain occurrences at Dundee was, no doubt, justified by the facts and circumstances of that particular case. Indeed, it is obvious that all such cases, wherever they occur, must be decided on their own special facts and circumstances. I have no doubt that the law of England and Ireland, in the event of occurrences causing riots or breaches of the peace, would be found amply sufficient to protect all sections of Her Majesty’s subjects, no matter what their religion might be.

PARLIAMENTARY ELECTIONS—HADDINGTON BURGHS.—QUESTION.

MR. HOPWOOD asked the Lord Advocate, Whether his attention has been directed to an article in the “Scotsman” newspaper of the 14th instant, making among other statements the following:—

“No doubt exists in the Haddington Burghs, and there would be little difficulty in procuring evidence of the fact, that money was spent in the assumed interest of the Conservative candidate in corrupt practices. It is notorious and easily susceptible of proof, that drink was supplied freely to voters in Haddington, Jedburgh, Dunbar, and North Berwick. In the case of the Haddington Burghs there was, beyond doubt, a deliberate conspiracy to debauch the constituency. It has been pointed out above that the law has been broken by the Conservative agents in at least three important particulars, and that for such breaches certain penalties are specified. If, after this, the officials who are responsible for the vindication of the law do not take prompt measures for bringing the offenders to justice, they will be open to a charge of gross and culpable neglect of duty;”

whether he can inform the House that the Procurator Fiscal is making the inquiry which is usual when information reaches him that a breach of law has

been committed; and, if not, whether he will direct that the Procurator Fiscal discharge his duty in the matter?

THE LORD ADVOCATE (Mr. WATSON): Sir, I have made inquiry with regard to these matters, and I have not obtained any information to warrant a prosecution for any of the offences mentioned in the Question of the hon. Member. I desire further to say that it is exceedingly inconvenient and very difficult to deal with general accusations of this kind, such as are bandied about in times of excitement during an election. It is quite open to anyone to lay specific information before the Officers of the Crown; persons are protected by privilege in doing so, and whenever such information is given, a full investigation will be made.

AFRICA (WEST COAST) — TREATIES WITH NATIVE CHIEFS.—QUESTION.

MR. ASHBURY asked the Under Secretary of State for Foreign Affairs, Whether, considering the existing state of trade on the West Coast of Africa, and especially in those rivers known as the "Oil Rivers," it is contemplated to extend the treaties, and thus permit British traders to establish stations beyond the present Treaty limits, by which means they will obtain direct intercourse with the natives of the interior?

MR. BOURKE, in reply, said, the British Consul on the West Coast had general instructions to make Treaties with the Native Chiefs wherever he could see the possibility of extending British trade. In regard to the Brass River, it had been thought unadvisable to make Treaties with the Chiefs in the interior, as we already had Treaties with those at the mouth of the river, and any relations come to with those in the interior would be likely to disturb the friendly arrangements already existing.

AFGHANISTAN—THE WAR—GENERAL ROBERTS' SUPPLEMENTARY DESPATCH.—QUESTION.

GENERAL SHUTE asked the Under Secretary of State for India, Whether, in justice to those officers who were mentioned in General Roberts' Supplementary Despatch as having distinguished themselves in the front attack made by Brigadier General Cobbe's Brigade on

the Peiwar Kotal, he will communicate with the Government of India and procure that Despatch in its entirety with a view to its publication in the "London Gazette," where only an extract, omitting the names of officers, has yet appeared?

MR. E. STANHOPE, in reply, said, the practice of publishing subordinate officers' reports of military occurrences having been carried to a great excess, the Government of India had decided that for the future the duty of reporting on actions and campaigns should rest solely on the General Commanding-in-Chief, who was responsible for their conduct in every particular. He was afraid, therefore, he could not undertake to produce that to which the hon. and gallant Member referred.

EDUCATION (SCOTLAND) ACT—BARVAS (ISLAND OF LEWIS) SCHOOL BOARD.

QUESTION.

MR. FRASER-MACKINTOSH asked the Lord Advocate, Whether his attention has been called to the fact that four persons were recently imprisoned at the instance of the School Board of Barvas, in the Island of Lewis, under the provisions of the Education (Scotland) Act, for neglecting to send their children to school; and, whether the defence they stated, that the children were attending a school maintained by the Gaelic School Society, in which reading, writing, and arithmetic were taught, was not a good defence in law to the proceedings taken against them?

THE LORD ADVOCATE (Mr. WATSON): Sir, my attention was called to this matter by the hon. Member; but I have not yet been able to get full information on the subject, and, therefore, I am not in a position to say whether the facts are as stated or not. I may state, however, that if reading, writing, and arithmetic are efficiently taught in the Gaelic Society's school, and the children of these parents were in actual attendance, this would form a perfectly good defence to any prosecution under the Education Act.

FIJI — EXECUTION OF NATIVE PRISONERS—ALLEGED BARBARITIES.

QUESTION.

MR. A. MOORE asked the Secretary of State for the Colonies, Whether it is

true that, in the month of June 1876, certain native prisoners were, by order of the Governor of the Fiji Islands, marched into a proclaimed district, and there tried by court martial; condemned and executed in a barbarous manner in his presence—some being hung, others strangled and afterwards clubbed to death, and others shot; whether it is a fact that these men were thus illegally deprived of their right of appeal to the Supreme Court of the Colony; and, whether, if these facts are true, Her Majesty's Government are prepared to take cognizance of them?

SIR MICHAEL HICKS-BEACH : Sir, these statements appeared in an article which was published in a New Zealand newspaper nearly three years ago. They are not true; and I must add, in justice to Sir Arthur Gordon, that I think the hon. Member would not have repeated them now, if whoever communicated them to him had had the fairness—I might say the honesty—to inform him that the newspaper in which they appeared, two months afterwards accepted the contradiction of them without reservation, and

“Frankly expressed regret for having given currency to statements not unlikely to excite serious prejudice against an officer of the Crown placed in a position of great difficulty, and, consequently, in no need of gratuitous or additional obstacles in the discharge of his duty.”

SOUTH AFRICA—THE ZULU WAR — OVERTURES OF PEACE.—QUESTION.

MR. SULLIVAN asked the Secretary of State for the Colonies, If his attention has been drawn to a statement by the special correspondent of the “Daily News” at Pietermaritzburg, to the following effect:—

“Bishop Colenso affirms that repeatedly Cetewayo since that affair (of Isandula) has sent to Lord Chelmsford messages setting forth his anxiety to receive terms and asking for peace. He tells a narrative of some Natives recently reaching the Tugela with a flag of truce and being fired upon, but four Zulu Christians standing firm were allowed to pass into Natal to Bishop Schruger, and thence to Lord Chelmsford at Maritzburg. The latter pointed out to them that they were not men of sufficient consideration to be bearers of overtures and sent them back to Cetewayo from Maritzburg, with an intimation that men of consequence or indunas sent by Cetewayo would find him in Dundee. The Bishop is satisfied that Cetewayo is not the savage he is represented, and that he would gladly accept reasonable terms and be again in amity with us. He would do every-

thing Sir Bartle Frere demanded before the war, and reduce his military force within due limits, and meet us generally on every point, if only we did not insist on utterly and abjectly humiliating him;”

and, whether there is any truth as to these overtures for peace on the part of Cetewayo; and, if so, whether Her Majesty's Government will, in consequence of such overtures, order a cessation of bloodshed and enter into negotiations for peace?

SIR MICHAEL HICKS-BEACH : Sir, I really do not know on what grounds Bishop Colenso has formed that opinion, which, it appears from this quotation, he has expressed as to the intention and wishes of Cetewayo; nor do I know what means of communication he may have with the Zulus. The only overtures which I have heard of as having been made since these messages, duly reported in the Blue Books, which were received before the Tugela was crossed, are, in the first place, a message, which appeared to come from certain Zulu Indunas, and not from Cetewayo himself, which was delivered early in March to the frontier magistrate, and passed on by him to Sir Henry Bulwer. The reply to that message was that any overtures must come from the King himself. A further message came to Lord Chelmsford at the end of the month. Two messengers arrived asking for a conference, and referring to Cetewayo's promises at his coronation. Lord Chelmsford was then on his march to Ekowe, and those messengers were informed that a flag of truce would always be respected, and that if he had any messages to send they would be received by him at his camp. Since that time, and the relief of Ekowe, I am not aware that any messages have arrived.

POOR LAW (IRELAND)—BLESSINGTON DISPENSARY (NAAS UNION) MEDICAL OFFICER.—QUESTION.

MR. PARNELL asked the Chief Secretary for Ireland, Whether his attention has been directed to a letter, dated the 12th day of April 1879, from the Local Government Board (Ireland) to the Blessington and Ballymore Dispensary Committee of Naas Union, requesting the committee to receive the resignation of their medical officer on account of his failing to attend one Patrick Merrigan, though a medical relief ticket

Mr. A. Moore

was presented on his behalf, and who died without medical attendance; and, whether the dispensary committee have yet complied with this direction; and, if not, whether the Local Government Board have taken steps to compel compliance?

MR. J. LOWTHER: Sir, the Committee were so requested, but they took a different view of the case from that adopted by the Local Government Board, and they declined to act on the suggestion of the Board. In order to enable them to hear the statement which the medical officer had to make, and any further observation the Committee had to offer, it was decided to hold an inquiry by one of the Inspectors of the Local Government Board, and that inquiry was fixed to take place to-day.

SOUTH AFRICA (EXPENSES OF MILITARY OPERATIONS)—ESTIMATE OF EXPENDITURE.—QUESTION.

SIR GEORGE CAMPBELL asked Mr. Chancellor of the Exchequer, If he is still satisfied that his Estimate for the War in South Africa is sufficient, or recognizes that it must be increased? He added, by way of explanation, that he was aware there had been no formal Estimate; but he referred to the £1,500,000 spoken of by the Chancellor of the Exchequer.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Member is quite right in saying that at present there is no Estimate on the Table. The right hon. Gentleman the Member for Pontefract (Mr. Childers), however, has already given Notice of his intention to ask a Question with regard to the Estimate of the cost of the war in South Africa immediately after the Whitsuntide holidays; and I think it would be more convenient to defer answering the Question of the hon. Member for Kirkcaldy until then.

TURKEY—THE ANGLO-TURKISH CONVENTION — CONSULAR APPOINTMENTS IN ASIA MINOR.—QUESTION.

MR. J. HOLMS asked the Secretary to the Treasury, When he expects to lay upon the Table of the House the statement showing the different Consular or other appointments proposed to be made in Asia Minor, together with particulars of the salaries and other expenses connected therewith?

SIR HENRY SELWIN-IBBETSON, in reply, said, he could not fix the actual day; but he hoped to be able to lay the Papers upon the Table within the next fortnight or three weeks.

FRANCE—PROLONGATION OF THE TREATY OF COMMERCE.

QUESTION.

MR. W. CARTWRIGHT asked the Under Secretary of State for Foreign Affairs, Whether the prolongation of the existing Treaty of Commerce with France is limited to six months from December 31st of the current year; or whether the terms of prolongation include an engagement that the Conventional Duties under the present Treaty shall continue in force for six months after the date, whenever that may be, when a new Tariff shall have been enacted in France?

MR. BOURKE: Sir, no change has taken place in the arrangements between the French and English Governments since I made a statement on the subject a few days ago. The duration of the Treaty, as well as the duration of the Conventional Tariff, as fixed by laws and Treaty, is to be prolonged for six months after the promulgation of the General Tariff now before the French Assembly.

TURKEY—ANTI-SLAVE TRADE TREATY.—QUESTION.

MR. W. E. FORSTER asked the Under Secretary of State for Foreign Affairs, Whether the Anti-Slave Trade Treaty with Turkey has yet been concluded, which he informed the House last February had then been not only submitted to the Porte, but had passed the Council of Ministers?

MR. BOURKE: Sir Henry Layard, when in England, undertook that when he returned to Constantinople he would lose no opportunity and no time in pressing on the Porte the subject of that Treaty, and we hope to hear shortly that it has been signed.

CRIMINAL CODE (INDICTABLE OFFENCES) BILL—REPEAL OF STATUTES.—QUESTION.

MR. ANDERSON asked Mr. Attorney General, If it be true that, while the

Criminal Code (Indictable Offences) Bill repeals in whole or in part about 80 Statutes, it leaves unrepealed about 650, all bearing on Criminal Law; and, if so, if he will take steps to make the codification more complete before asking the House to go through further labour in discussing details?

THE ATTORNEY GENERAL (Sir JOHN HOLKER): Sir, if the hon. Gentleman asserts that, in addition to the statutes intended to be repealed by the Criminal Code (Indictable Offences) Bill, there are as many as 650 other Acts bearing on the Criminal Law, I presume he has made a careful calculation, and has satisfied himself of its accuracy. The number of Statutes mentioned must, however, to a great extent, be made up of Acts of Parliament relating to offences punishable on summary conviction, of Acts which are obsolete, and of Acts which it is not desirable to re-enact. I have already explained why the provisions of all the Statutes relating to indictable offences are not codified by the Bill, and I dare say a further statement on this subject will be contained in the Report of the Commissioners. I consider the Bill contains a very large measure of codification, for it codifies all the common, or unwritten, law relating to Criminal Acts generally, and all the statute law relating to such indictable offences as are ordinarily considered to be embraced under the term "crimes." This being so, I cannot accede to the hon. Gentleman's suggestion that I shall take steps to delay the passing of the measure.

PARLIAMENTARY REPORTING — RECOMMENDATIONS OF THE SELECT COMMITTEE.—QUESTION.

MR. CHAMBERLAIN asked Mr. Chancellor of the Exchequer, If he will make arrangements to allow the House to express its opinion on the Recommendations of the Committee on Parliamentary Reporting before they are carried into effect.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the Government have not yet been able to consider these recommendations; but if they should propose to apply them, undoubtedly an opportunity will be given to the House to express an opinion upon them, because it will be necessary to submit a small

Vote as a test of the opinion of the House on the subject.

PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

MR. W. E. FORSTER asked the Chancellor of the Exchequer, What class of Civil Service Estimates would be taken on this day fortnight; and whether there would be a Morning Sitting on the day after the re-assembling of the House?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that with regard to the Estimates to be taken on the first Monday after the Whitsuntide Recess, something would depend on the progress made to-night. If the Estimates now on the Paper should not be finished, they would be taken again; otherwise the Army Estimates would be taken. In any case, the Army Estimates would probably be put upon the Paper. On the first Tuesday after the Recess there would be a Morning Sitting for the Army Discipline and Regulation Bill.

SOUTH AFRICA—EGYPT—FURTHER PAPERS.—QUESTIONS.

THE MARQUESS OF HARTINGTON; I wish to ask the Chancellor of the Exchequer, with reference to the statement he made in the earlier part of the evening, Whether the Government intend to lay on the Table further Papers relating to South Africa, and when he expects that they may be in our hands? I should also like to ask, When further Papers may be expected relating to affairs in Egypt?

MR. CHAMBERLAIN: I wish to ask, If the Papers which are to be laid on the Table in reference to South Africa will contain the instructions given to Sir Garnet Wolseley?

THE CHANCELLOR OF THE EXCHEQUER: I have already stated that the Papers relating to South Africa will be laid on the Table before the House rises to-morrow, and I hope they will be in the hands of Members in a few days, but I can hardly say off-hand what they will contain. With regard to the other Question, I believe that further Papers with regard to the affairs of Egypt are being prepared, and that they also will be in the hands of Members in a few days.

SOUTH AFRICA—THE CIVIL AND
MILITARY COMMANDS.

EXPLANATION.

SIR ROBERT PEEL: I wish to ask a Question or two in reference to the statement that was made by the Chancellor of the Exchequer, I think at an unusual time—such statements being generally made after, and not before, the Questions. I do not wish to conclude with a Motion; but I trust the House will permit me to say one or two words in explanation. I understand the Chancellor of the Exchequer stated that Sir Garnet Wolseley had been appointed both Civil and Military Governor of South Africa. ["No."] Then, of some portion of South Africa.

THE CHANCELLOR OF THE EXCHEQUER: I said Natal and the Transvaal, and those portions of territory to the North and East of those Colonies.

SIR ROBERT PEEL: Well, I wish to know what is the effect of that appointment in regard to superseding officers already there—among them Sir Henry Bulwer, one of the most competent men in South Africa? I wish to know from the Government, Whether it is to be understood by the House and the country that the confidence of the Government has been withdrawn from the General Commanding-in-Chief; and whether the statement which has appeared in the Cape papers that Sir Bartle Frere has no intention of resigning the position he holds is correct, or whether he has acquiesced in the censure that has been passed upon him by Her Majesty's Government? I wish to put another Question and make an explanation. I do not wish to conclude with a Motion; but I am particularly anxious that this subject should be discussed before the adjournment for the holidays, and should be prepared to raise the question to-morrow on the Motion that you, Sir, do leave the Chair; but I will not do so if the House will permit me to make an explanation. It has to be remembered that at this present moment there are at the Cape forces amounting to nearly 22,000 men, and I want to know whether anything has occurred—

MR. MITCHELL HENRY: I rise to Order. I think it is unfair to other Members that the right hon. Baronet

should be allowed to make remarks unless he means to conclude with a Motion.

SIR ROBERT PEEL: I will be very brief. I will limit myself to a few observations.

MR. SPEAKER: As long as the right hon. Gentleman puts a Question, and confines himself to that Question, and to such information as is necessary to make that Question plain to the House, he is in Order.

SIR ROBERT PEEL: The Question is one of very great importance, and it is this—Whether it is to be understood by the House of Commons and by the country that the confidence of the Government has been withdrawn from the General Commanding-in-Chief, Lord Chelmsford? I wish also to inquire whether Sir Henry Bulwer, the competent Governor of Natal, is superseded? I wish also to inquire whether Sir Bartle Frere is supposed no longer to exercise the functions which he has hitherto discharged in that part of South Africa? I hope the Government will also allow me to inquire whether it is intended before the vacation—either to-night or to-morrow—to offer to the country any statement as regards the position of affairs in South Africa?

MR. SULLIVAN said, he wished to put a Question to the Chancellor of the Exchequer on the same subject, and he also had no intention of concluding with a Motion if he could avoid it, but the circumstances were peculiar; the emergency was severe. They would to-morrow evening be dismissed to their homes for a fortnight; and, if they were to judge from the past, they might expect on Wednesday or Thursday to receive some stunning surprise. It was, therefore, strongly pressed upon him that he should like to know—[*Interruption.*] He did appeal to the Chancellor of the Exchequer, as they were about to separate to-morrow, to make, if he could, some statement with reference to the present position in South Africa, and also in reference to the intentions of the Government that were to be carried out by the new Commander-in-Chief. He must ask the indulgence of the House while he completely explained his Question. If, while hon. Members were scattered through the country, they found an invasion of Zululand once more in full swing, and scenes that all would deplore being enacted, the blood of the country

would be up. [*Cries of "Oh!" "Move!" and "Order!"*] He would conclude with a Motion. He decidedly objected to Members being dismissed to their homes without some specific information on a subject which was deep in the heart of the country. They wished for peace; and they wanted a positive assurance from the Government that they would not renew the invasion of Zululand for any mere idle pretext of what was called vindicating the disaster of Isandlana. They wanted to know how much bloodshed the Government thought must be poured out before that vindication took place. It was to him abhorrent that, 10 days hence, they should find a war, brutal and barbarous, in full swing, and no House of Commons sitting to put even a Question to the Minister of the day. He would tell his hon. Friend the Member for Birmingham (Mr. Chamberlain) that his Motion would come too late, for they would then be told, "Our arms were in the field, and our gallant soldiers in the grip of a deadly foe. Do not paralyze their arms at a moment like this; to do so would be eminently unpatriotic." He appealed to the Government to tell the House that Sir Garnet Wolseley would be the messenger of peace—he need not be a coward for that, for he had already vindicated in Africa and elsewhere the traditional courage of the British Army—and that he would take in his portfolio some decision of the Government which would enable him, before carrying fire and sword into Zululand, to make offers to Cetewayo which might effect a settlement of the question. He begged to move the adjournment of the House.

MR. CHAMBERLAIN asked leave to second the Motion, and begged most earnestly to support the appeal made to the Government by the hon. and learned Member for Louth (Mr. Sullivan). A moment or two ago he ventured to ask the Chancellor of the Exchequer whether the Papers shortly to be laid on the Table would contain the general instructions which had been given to Sir Garnet Wolseley? The Chancellor of the Exchequer made what he (Mr. Chamberlain) chose to call a very cavalier reply—"That he could not be expected to say what would be contained in the Papers." That seemed to him an extremely unsatisfactory position in which to place the House. They wanted

to know whether the appointment of Sir Garnet Wolseley was an augury of peace, or whether he only went out to South Africa as a messenger of still more violent war? They had felt—and that had been one of the grounds of the Motion he had made—they had felt that as long as Sir Bartle Frere was High Commissioner, and enjoyed the confidence of the Government, and as long as his policy was unchanged, there was no chance of peace until the Zulu power had been utterly destroyed. That kind of peace they regarded as no peace at all, but only the beginning of further difficulties and danger. They felt that unless a new Representative of Her Majesty were sent out, there would be no hope of a peaceable settlement of this most unfortunate affair—a war commenced in injustice, and which they did not wish to see continued—a war commenced in injustice and wrong—a war commenced without any necessity—a war in which the country would never have engaged, if the House had had an opportunity of expressing an opinion upon it. He seconded the Motion for adjournment.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Sullivan.)*

MR. O'DONNELL trusted that in the satisfactory assurances which, he hoped, were about to be given, the Chancellor of the Exchequer would be able to say that Sir Garnet Wolseley would be instructed to grant to the people of the Transvaal, who had been fraudulently robbed of their rights, as full and complete an instalment of independence as was consistent with the safety of our South African Colonies.

THE CHANCELLOR OF THE EXCHEQUER: I do not understand, Sir, that the House desires now to open up a general discussion upon South African policy; but I do fully understand that hon. Members who were not present when I made a statement at the beginning of Business would wish to hear what I then said. What I stated at that time was, that after a full consideration of the condition of affairs in South Africa, Her Majesty's Government had decided that the arrangement under which the chief Civil and Military authority in the neighbourhood of the seat of war was distributed between four different persons could no longer be deemed

Mr. Sullivan

adequate. By these four different persons I, of course, mean Sir Bartle Frere as the High Commissioner, Sir Henry Bulwer as Civil Governor of Natal, Colonel Lanyon as Administrator of the Transvaal, and Lord Chelmsford, Commander-in-Chief of the Forces. I therefore said that Her Majesty's Government had determined on appointing Sir Garnet Wolseley as Civil and Military Governor in Natal, the Transvaal, and the Native territory to the Northward and Eastward of those Colonies which are now the seat of war. Sir Henry Bulwer is the Lieutenant Governor of Natal, and Sir Garnet Wolseley will be the Governor. Similarly, he will be the Governor of the Transvaal, and he will be the High Commissioner who will conduct the relations of the Crown with the Native Tribes to the north and east of those territories. It will be remembered that that country is more than 1,000 miles distant from Cape Town, and that Sir Bartle Frere is at present—and will be for some considerable time—detained at Cape Town by important business which he has to transact in Cape Colony. With reference to the Question of the right hon. Baronet, Sir Bartle Frere has not yet answered, or we have not received, any answer to the despatch to which the right hon. Gentleman referred. I do not think it would be convenient that I should attempt, on the present occasion, to enter into any fuller explanation further than to say this—that we propose immediately to lay upon the Table Papers which will explain the precise nature and the reason of the appointment which has been made of Sir Garnet Wolseley. Of course, the instructions which will be given to Sir Garnet Wolseley will be laid upon the Table, and will be circulated as quickly as possible, but we were anxious to save time; and I am not sure whether it will be possible to include those instructions in the first batch of Papers which will be laid on the Table. Of course, they will be laid upon the Table, and I hope they will be very shortly in the hands of hon. Members. The Papers which relate to the nature of the appointments will be laid immediately. Of course, I cannot object to any discussion which hon. Members may choose to invite us to; but I hope it may be considered that this is not a very convenient opportunity for

entering upon a discussion of South African policy.

SIR HENRY HAVELOCK said, he had no desire to enter into any general discussion; but he thought it would be convenient to the House and the country that there should be a fuller explanation as to how the new arrangements would affect the position of Lord Chelmsford. Sir Garnet Wolseley was a lieutenant-general, and Lord Chelmsford held the local rank of lieutenant-general in Africa. He wished to know whether Lord Chelmsford's position would be that of second in command, or would he revert to the command of one of the two main columns, or would he revert to the command of the troops in Cape Colony, 1,000 miles from the seat of war, or would he be entirely superseded and set aside? He knew the eminent capacity of Sir Garnet Wolseley, and he hoped he would take out a message of peace, honourable to this country, and conduct the military operations to a successful and speedy termination.

MR. WADDY thought hon. Members were fully justified in asking for some further information than the Chancellor of the Exchequer had yet given. He had given entirely the go-by to the letter, if not to the spirit, of the Questions addressed to him on this side of the House. What ought to be distinctly understood was, whether the instructions to be given to Sir Garnet Wolseley would place him in the position of being a messenger of peace, or a messenger of war, charged with the extermination of the Zulu people? Everyone, of course, knew the high merits and capacity of Sir Garnet Wolseley, and they had heard something about the vindication of the honour of this country; but were they going to tell the world that it was necessary to vindicate the majesty of the Queen of Great Britain and Ireland by exterminating these wretched Zulus? To say such a thing was almost an insult. It was, therefore, essential to know what Sir Garnet Wolseley was instructed to do in Africa. How long were we going to continue this war against this wretched Zulu Kingdom—against a country which, in fact, had never attacked us? It had already been stated that the war was an unjust one, and hon. Gentlemen opposite had demurred to the statement. But what could be stronger than the censure passed by the Government on Sir Bartle Frere

for what he had done in the matter? But what were we doing now, and after that policy had been censured by the Government? We were establishing a series of military posts right across the Zulu country; and for what earthly reason? The House ought to be told what was going to be done. There were, practically, 25,000 soldiers there already; and Sir Garnet Wolseley, and he did not know how many more soldiers, were going to be sent out. The chief thing which the people of this country desired to know was, whether this war was to last two or three years, or how long? Were we to drive the Zulus out of the full extent of their territory? You would not get rid of them by so doing, but might make things worse and worse. That being so, the people wished to know whether anything short of the entire destruction of the Zulus was to be the limit of the operations that was to end the war. Whether unjust or not in its inception, it was clear that we could gain no credit to our arms by proceeding with it any further against a mere horde of savages.

SIR ROBERT PEEL: I wish to express the unfeigned satisfaction which the statement of the Chancellor of the Exchequer has given me, and I hope that now we shall see this miserable affair in South Africa placed in the hands of one competent to deal with a most difficult situation, and that that of which I and many others in this House complained of from the beginning—namely, the extreme difficulty attending the ruling and directing of South Africa by four or five heads—will now be removed by the sole direction being placed, as we have been told it will be, under the management of one capable Commander. I wish, also, to call the attention of the Government to the two assurances which they have made during the course of this Session—one was in answer to the humane request made some time ago by the hon. and learned Member for Louth (Mr. Sullivan), and the other in answer to the hon. Member for Birmingham (Mr. Chamberlain); and, on the first occasion, the Government stated most distinctly that until the reverses of the Army had been avenged, and until their military position was re-established, they did not intend to enter into any negotiations for peace. Let us hope, now that the military position has been re-established, that they will not

shrink from listening to the humane voice that was first raised in this House by the hon. and learned Member for Louth, and that they will now in their hearts consider whether the time has not arrived for entertaining proposals of peace from a man upon whom, from the showing of the Government themselves—and no matter what anybody else may say, the Blue Books prove it—upon whom a war has been forced—a war both unnecessary and unjust—and who, over and over again, expressed his desire to be on friendly terms with the great English people. The Chancellor of the Exchequer has replied to the hon. Member for Birmingham that instructions both negative and positive have been forwarded. Now, let us hope that, above all, straightforward and honest instructions have been forwarded to the Cape—and that the first opportunity will be taken, not to overrun the country, nor to undertake measures which will lead to the further shedding of blood and to still further expenditure, but to terminate a war which shocks the hearts and feelings of the English people.

MR. W. E. FORSTER: Sir, I had no wish to take part in this debate; but I cannot avoid making a few remarks. I entirely agree with what has been said upon the subject; and I earnestly hope that the instructions given to Sir Garnet Wolseley will be such as will bring the war to a speedy conclusion. I think the Government ought not to feel surprised at the great anxiety of the House to know something as to the purport of those instructions. I am very glad, indeed, to hear the statement of the Chancellor of the Exchequer. It does much to relieve my anxiety not merely with regard to the safety of our troops, but with regard to our policy in South Africa. We have much confidence in Sir Garnet Wolseley; but I hope I may be allowed to remind the House that we are in this position:—We are informed, so far as we can gain information from the despatches on the Table, and from intelligence obtained from the newspapers, that the policy upon which the war now appears to be conducted at this moment in South Africa is such that the Zulu King—to use an expression I have seen quoted on good authority—feels that if he were to comply with the demand which has been made upon him for unconditional submission, that would, in his opinion,

Mr. Waddy

mean perpetual imprisonment. I cannot think this fear of his very unreasonable, and, if so, his reluctance to accept our conditions is very natural. Does the Government intend another departure in the policy they have of late pursued in South Africa? It is surely not upon military grounds alone that Sir Garnet Wolseley is being sent out to the seat of war; and I most earnestly desire that the Government will not allow the House to separate without some assurance that we may hope to look forward to a speedy end of this war. This is not the time to debate whether the war is a just one or not; but I never knew a case in which there was such a general admission of the accuracy of the statement made by Members on this side of the House that the war is an unnecessary one. Let the Government consider what is the real meaning of a war which is not a necessary war, what it means to our soldiers, what it means to the gallant men—savages though they are—who are fighting against us; what is the condition of our own brave youths, fighting as they are for their Colours, for the banner of Englishmen—fighting under the terribly disastrous circumstances of climate—still, I hope, not for the utter extermination of a hopeful race, who, savages though they are, have yet shown great courage and the power of obedience. If this war be persisted in, it will probably mean the utter extermination of this race by an overpowering force? I cannot resist the opportunity of earnestly calling upon the Government to give some assurance that there is no intention to cause the extermination of the Zulu race, and that we may look for a speedy termination of the war.

COLONEL STANLEY: The Government have said all along that they were as anxious as any persons in the country could be to conclude this Zulu War at as early a day as was found to be consistent with the safety of our Colonies and the honour of our arms. From that declaration they have in no degree departed, and I would venture to state that the instructions with which Sir Garnet Wolseley will be furnished will be framed in the fullest accordance with those principles. It has been found necessary for the purpose of affairs in South Africa to place the conduct of matters in the hands of one officer, who

shall exercise both civil and military control; and it has been found that it was a most fortunate circumstance that Sir Garnet Wolseley's presence at home has enabled the Government to avail themselves of his able services. [*Laughter.*] If the House will take my authority for the statement, his coming home is connected with purely military matters; and the Government have availed themselves of the circumstance of his being at home to send out without delay an officer, of whose courage and talents it would scarcely become me to speak, but which are fully recognized by the country, and which have been successful in a remarkable degree, not only in a military, but also in an administrative capacity. Singularly fortunate, also, is it that within the last few years Sir Garnet Wolseley has had, of all men, perhaps the best means of forming an intimate knowledge of Natal, and of its Frontiers, and the tribes along its borders; and we trust that, acting in the fullest accordance with the instructions he receives, he will be able so to act that, with little delay, he may give such a turn to affairs in those Colonies as may lead to the operations in the field being speedy and conclusive, and will thus enable this country, at the earliest possible period, to revert to that peace which, provided it can be obtained with safety to our Colonies and honour to our arms, we all alike desire. I am asked by the right hon. Gentleman the Member for Bradford whether Sir Garnet Wolseley is to be sent out with instructions for the extermination of the Zulu people? I will venture to say that no one who will take the trouble to search through the Correspondence relating to the affairs in Zululand will find such a word, or anything like such a word, in it from beginning to end. The fact is, it is utterly opposed to the policy of the Government. It is necessary that the safety of the Colonies should be provided for; it is necessary that the system of future defences should be provided for; and, in both respects, I think I may venture to appeal to the judgment of the country—if any man can be found more fitted to provide for those exigencies than Sir Garnet Wolseley? I am asked how far Lord Chelmsford's position will be affected by the change? Sir Garnet Wolseley is in the Army senior to Lord Chelmsford, and though it is true that

Lord Chelmsford at the present moment holds a local rank which gives him the position of lieutenant-general, he is still in many degrees junior to Sir Garnet Wolseley; and by the sending out of a senior officer he will naturally have to subordinate his plan and his general action to the superior officer who may be on the spot. I am bound to say that the instructions to be framed, giving Sir Garnet Wolseley the general direction of affairs, military as well as civil, must not be held to imply censure on Lord Chelmsford's proceedings. It is simply that we have found it necessary at the present time to place the direction of affairs, civil and military, in one pair of hands; and that Her Majesty's Government, having fully stated the views with which they are anxious, at as early a period as may be consistent with the general safety, to bring this war to a conclusion, will send out Sir Garnet Wolseley with instructions framed on that basis—instructions which I hope, with the great ability that distinguishes him, he may be able to carry out efficiently and ably for the benefit of the country and the Colonies.

MR. WHITBREAD desired to come to the specific question—"What ought to be done by the Government to-day and to-morrow?" The Questions which had been addressed to the Government were, in his opinion, most reasonable, and the assurances of the right hon. and gallant Gentleman who had just spoken were good as far as they went; but the House wanted fuller and more definite information. Was there any ground for withholding the instructions given to Sir Garnet Wolseley? As far as he could see it, there was absolutely none at all. The Chancellor of the Exchequer had told them that he would lay the full text of the instructions before the House as soon as he could. Why should they not be laid before the House to-day or to-morrow?

THE CHANCELLOR OF THE EXCHEQUER: They are not yet fully prepared.

MR. WHITBREAD asked whether the right hon. Gentleman meant to say that he had come down there and had assured the House that the Government were going to send out Sir Garnet Wolseley to South Africa to assume the supreme command, but that the Cabinet did not yet know what his instructions were to be?

THE CHANCELLOR OF THE EXCHEQUER: I really must correct the hon. Gentleman. The hon. Gentleman asks why do we not lay the text of the instructions before the House, and I reply the text is not prepared.

MR. WHITBREAD admitted that he did use the word text, but what he wished to ask for was the substance in detail of the instructions. It seemed to him that was a most reasonable request. The House were about to separate for a fortnight. It was a question on which the country entertained the deepest feeling. They knew perfectly well what the views of the Government were generally on the subject—that they did not wish to go into the war at all. But was this appointment of Sir Garnet Wolseley to be looked on as a turning point? If it was, let the Government frankly tell the House what the instructions were. Unless the Government were prepared to state to-morrow in detail what was the substance of the instructions proposed to be given to Sir Garnet Wolseley, then, in his judgment, the House ought not to allow itself to be sent about its business. He should not have made such a strong statement but for this—they knew the language which the Government had held in this House, and they knew the language which they had held to their subordinates in South Africa, and they knew the consequences of that language, and that the country had been plunged into a miserable war. The House, therefore, wanted to know whether they might look on this as a turning point in the policy of the Government? If the instructions would bear that interpretation, why could not the Government give it to the House before sending them away for the Holidays? When they came back they would be told they were too late. That was the way they had been treated. It was always so. The Government said—"Do not discuss these things now, because you interfere with the carrying out of a policy;" and when it was over their reply was—"Oh, all that has gone by, and you are now too late to express your opinion." He therefore hoped the House would take time by the forelock, and insist on knowing what the instructions were. The Government must have made up its mind what they were to be, and he hoped the House would not allow itself to be sent about

Colonel Stanley

its business until it knew what they were.

MR. NEWDEGATE said, that he declined on the present occasion to enter upon the causes of the war in South Africa. That was a matter upon which Her Majesty's Ministers must satisfy their own consciences. Considering the circumstances of the present juncture, he thought that the present was obviously a case in which the command ought to be concentrated; and, in his opinion, it could not have been concentrated in abler hands than those of Sir Garnet Wolseley. He deprecated, however, a section of the House assuming the functions which the Dutch Commissioners thought they were performing while Marlborough was carrying on a successful war. He deprecated the idea that because doubt might be entertained as to the justice of the origin of this war, the Government should, after many valuable lives had been sacrificed, and after a hostile spirit had been aroused in an African tribe which was organized in the fashion of the old Knights Templars, be tempted to believe that the country would excuse a failure in an undertaking which had already cost us so dearly. As the case now stood, the first duty of Her Majesty's Government was to secure the lives and property of the Colonists, while their next duty was to secure this country against a repetition of such onerous demands as had been made upon it for this purpose during a period of depression.

COLONEL MURE said, the reason why he was anxious to see the war concluded—however good the conduct of our soldiers—was that in no sense could it ever be called an honourable war, or one which would bring honour to the Colony or to the British arms. He looked with a deep feeling of sorrow, not only at the losses which were being sustained by our own soldiers, but at the slaughter of the Zulus, who were being slain by thousands. Many of the soldiers who had been sent out to fight the Zulus were mere boys, which he regarded as a great military mistake and a great blot upon the humanity of this country. If they were to have war let them employ men to fight, and not boys; and he urged upon the Chancellor of the Exchequer that no diplomatic harm could be done by the Government being frank and open in their communications to the House.

MR. CHAPLIN wished to confine his remarks to the point to which the right hon. Member for Bradford (Mr. W. E. Forster) limited his observations. The right hon. Member said the demand upon the Government was reasonable. He (Mr. Chaplin) said it was unreasonable. What was that demand, and what was their position to-night? The Government had come to a most serious decision. They had decided to send out a Commander-in-Chief to command our Forces in South Africa, and they came down to the House and said that the instructions they had given to Sir Garnet Wolseley would, as soon as they were prepared, be laid on the Table. The demand was that, at a moment's notice, Government should communicate the instructions given to Sir Garnet Wolseley to the House. [An hon. MEMBER: To-morrow.] It was true the hon. Member for Birmingham had qualified his demand and said "to-morrow;" but how could they be printed by to-morrow? And what did these instructions mean? The instructions to Sir Garnet Wolseley meant the future policy of the Government in South Africa. They must be of some length; and unless the House had them before it, how could hon. Members initiate a debate upon them? He hoped the Government would not allow themselves for a moment to be inveigled into a grave debate on this important matter.

MR. FAWCETT thought the request of his hon. Friend the Member for Birmingham was a perfectly reasonable one. The Question of his hon. Friend was one which the country was asking, and expected to be answered. He wished to point out that it would be fairer to the Government if 24 hours were given to them to consider whether the Question which his hon. Friend had addressed to them was one which they could consistently with their public duty answer. His hon. Friend had asked the Chancellor of the Exchequer to tell that House and the country what was the general policy which Sir Garnet Wolseley would be instructed to carry out. If the Chancellor of the Exchequer had said it would be impossible to tell without compromising that policy, of course our mouths were closed. But as the Chancellor of the Exchequer had said that the substance of the text would be laid before the House in a few days,

there could be no reason for secrecy. The simple question raised by his hon. Friend seemed to him to be one of the first importance—namely, whether or not the influence of that House should be brought to bear on a question of vital importance before the House, and also whether the opinion of the House should produce any effect upon the policy about to be carried out. As he understood the Motion for the adjournment of the House would be made at the beginning of the Morning Sitting to-morrow, he would suggest to his hon. Friend whether it would not be well for him to repeat his Question on the Motion for the adjournment.

MR. MITCHELL HENRY said, when the right hon. Baronet (Sir Robert Peel) rose to put his Question accompanied with some explanations, he (Mr. Mitchell Henry) had ventured to rise to Order, on the ground that it was unfair to other Members of the House to open the flood-gates of this question, and not allow other Members to express their opinions. It was impossible it could be so. He wished now to ask a Question in relation to the appointment of Sir Garnet Wolseley. The Government, apparently, had now found out this Officer was the right man to conduct affairs in South Africa; but Sir Garnet Wolseley's opinion, based upon experience, had been long on record, and that opinion was that no war should be commenced in Zululand with a Force of less than 20,000 Europeans in the country. Contrary to that opinion, Sir Bartle Frere was sent out, and he had no experience. Lord Chelmsford, whose experience was very slight, was also sent, and the war was commenced with a Force utterly inadequate. Everyone acquainted with the Zulus and their mode of warfare shuddered at the manner in which the war was entered upon, with that spirit of light-heartedness for which M. Ollivier was celebrated at the commencement of the Franco-German War. Since the Zulu War commenced we had had disaster after disaster, and our troops had undergone suffering almost unparalleled in the history of Colonial warfare. What was now the condition of our troops there? The right hon. and gallant Gentleman the Secretary of State for War knew perfectly well that in one division of the troops at the Cape there was an amount

of sickness and a dearth of medical officers which was a disgrace to this country. It was well known that the clothes of the troops were much worn out, and that they had not received a supply of light clothing, which it was essential, in a country like Africa, they ought to receive. The country at a future time would require a complete answer to all these questions. At present he felt justified, when the Chancellor of the Exchequer, for reasons not easy to understand, and at a very unusual moment, interposed to inform the House that Sir Garnet Wolseley was going to the Cape for the purpose mentioned—he felt justified in asking, did the Chancellor of the Exchequer suppose that the country would be satisfied without knowing for what purpose Sir Garnet Wolseley was going? If so, he would find himself mistaken. The Government seemed to claim credit for their action, and it was only reasonable in the House to demand what were the instructions Sir Garnet Wolseley would carry with him? When the debate re-commenced to-morrow, if it was so arranged, he hoped the Minister for War would be able to give some information as to the condition of the troops in South Africa, their sanitary condition, the condition of the supplies sent out, when those supplies reached the troops, and the condition of the Commissariat and of the Medical Department. He believed the conditions of each and all were deplorable. There was another question to which the First Lord of the Admiralty might give an answer. Why, with a force of 5,000 or 6,000 well-seasoned soldiers in the country, did the Government continue to send out boys to reinforce the troops in South Africa, when they must know that those boys would die in great numbers? Why was it that a force of Marines—well-seasoned soldiers—was kept at home? Why did the Secretary of State for War introduce a Bill to allow of the First Class Reserves being called out, while, all the time, there was this force of well-seasoned Marines ready and willing to do their country service? It was perfectly well known the real reason was that there was a difficulty of etiquette between the Naval and Military Departments. A Government should be able to override these difficulties, and send out men who, well-trying by length of service, were able to fight well, maintain their

Mr. Fawcett

health, and have a chance of returning in reasonable numbers to their native land.

SIR PATRICK O'BRIEN said, the observations of the hon. Member for Galway (Mr. Mitchell Henry) might be apposite if the whole general question of the war in South Africa were under consideration; but the House had before it a much smaller and more pressing question. He would not go back to considerations connected with former arrangements in those districts where war now prevailed, but rather would adopt the right hon. Baronet's (Sir Robert Peel's) view; and he much regretted that the speech from the Treasury Bench since he spoke did not seem to warrant the roseate view the right hon. Baronet had taken. The subject was a question of engrossing importance. Not a town or village they went to, but they found what was going on in Zululand discussed by all classes; and in view of this universality of interest, he asked why it was that this statement they had heard was made only two days before the House was to adjourn for the Whitsuntide Holidays? He inferred that this statement might have been made a week ago, and yet they had chosen that time to inform the House—not that Sir Garnet Wolseley had been put in command of 17,000 men to South Africa; there was nothing extraordinary in that, for the House had seen how General Biddulph, at the Peiwar Kotal, and other Generals in Afghanistan, were sent to carry out previous arrangements; but then there was the clear expression of the Government policy from the lips of Lord Lytton. But here, he asked, on the eve of the House breaking up for a fortnight, was the old policy to be pursued in Zululand with stronger vigour? He thought he had a perfect right to ask this Question. The Secretary of State for War had made use of one pregnant observation. He had said—"We had Sir Garnet Wolseley home for military operations."

COLONEL STANLEY: No, that must not go forth. What I said was, that Sir Garnet Wolseley was home to assist on a Committee of a military character, and for that purpose alone.

SIR PATRICK O'BRIEN, continuing, accepted that statement; but he had noted the words at the time, and several hon. Members understood the right hon.

and gallant Gentleman to say Sir Garnet Wolseley was coming home in connection with military affairs. If that was the reason Sir Garnet Wolseley came home, then it was fair to ask, was it from reasons not military he had been selected to proceed to the Cape? All the debate might have been saved if Government had at once stated what instructions Sir Garnet Wolseley would carry out. In the absence of that, the House must fall back on surmise, and it was his surmise that the Admirable Crichton of the British Army had been selected to go to Zululand because of his military capacity. All recognized his military distinction, but he would not say there were not a thousand of equal ability in civil life in England. But why was he selected, and why was the House to be told in a whisper he was selected, because of his civil distinction? He repudiated such an idea, and believed the House would join in asking for an answer. For what had Sir Garnet Wolseley been selected to go to the Cape? When did this change come over the opinion of the Government as to the power and ability of Sir Bartle Frere, and the military capacity of Lord Chelmsford? And if there was no change, if Sir Bartle Frere's intelligence was still as great, and Lord Chelmsford's military genius so transcendent as hon. Gentlemen opposite would maintain, why were they suspended? He would like to learn how, in every military club in London, where this subject would be discussed with some knowledge, to what this action of the Government would be attributed? It could be but to one cause—that having sent an indiscreet man to take civil control in South Africa, and a man of no special military distinction to take the military command, the Government at last saw the error of their ways, and to save Questions of an unpleasant character being put to them, they selected an opportunity to acquaint Parliament when they thought there would be a narrow attendance, the only Business anticipated being the voting of a sum of £4,000,000 or £5,000,000. ["Oh, oh!" and laughter.] They made this passing statement, and the House was to submit in perfect quietude. He was wrong in calling it a statement—this assurance. Hon. Gentlemen opposite might well try to interrupt him, for

he had heard their warrior souls expressed in words on a late occasion when they were going to drag the flag that had borne the battle and the breeze over the hills of Rasselas and over the mountains of Afghanistan. They spoke in a high and inflated style, which he could not attempt to imitate. He was not there to make a warrior speech; but he had a right to ask, what everyone would ask to-morrow, what did the Government mean by this new move? Did not everybody know that there was not a second-class clerk in any branch of the Public Service—and herejoiced that it was so—who could not put on a sheet of paper what was the policy of Her Majesty's Government? But he could imagine why the policy was not given out. The policy was a waiting one. "God is good," says the proverb, and in 14 days Providence might set all right. So in 14 days, when the House met again, things might change, and Government would say—"Why did you not wait for the information we had to give you? Now we give you a statement we trust you will all receive." An alternative policy, he thought, the people disliked as much as a great Leader of the House once said they "disliked coalitions." At least his voice should be raised, though the front Bench was dumb, and if they refused an answer it should not be because they were not asked. What was the text of the new policy; or was the old policy to be carried out before Sir Bartle Frere and Lord Chelmsford were sent away, and Sir Garnet Wolseley took control? Was it to be a policy of high-handed aggression or conciliation? ["Oh, oh!"] That was the Question he asked, and, notwithstanding the right hon. Gentleman's speech, that was the Question the nation would ask to-morrow.

SIR JULIAN GOLDSMID said, that Sir Garnet Wolseley was going out as Governor of Natal and as High Commissioner of Natal and the adjacent territories. Under such circumstances, what position would Sir Bartle Frere hold, as he was High Commissioner at present? Surely there ought to be some revocation of his appointment, because he was for the future to be only High Commissioner at the Cape. He should also like to know whether, if the Government had only recently discovered that it was necessary

to combine the civil and military authority in one man, they would communicate to the House the reasons which led them to come to that conclusion? He apprehended, he might add, that, although the Government might not be prepared that evening to inform the House as to the substance of the instructions to be given to Sir Garnet Wolseley, they would do so before the House separated to-morrow.

MR. O'CONNOR POWER said, the Question of the hon. Member for Birmingham simply asked that the House should be placed in possession of the instructions Sir Garnet Wolseley was about to receive, and the hon. and learned Member for Louth made a distinct appeal as to what was the nature of those instructions. In all the House had heard from the Treasury Benches that evening, and from what had been said by the hon. Gentleman opposite who had undertaken to speak for the Government, they had had no answer whatever to the appeal which was made by the hon. and learned Member for Louth. The sentiment which was uppermost in the minds of hon. Members, and what was also uppermost in the minds of the people outside, was that the people had had enough of this unjust, cruel, and exterminating war. That was the sentiment which had given life to the whole of the discussion, and the Government, in its attempts to answer the statements made on that side of the House, had made no answer, and taken no notice of those sentiments, and the appeal which was based on this. The Secretary of State for War said if they took the trouble to examine the whole of the Correspondence in reference to the question, they would find that the Government never was, and was not now, and would not be in the future, in favour of a policy of extermination. He admitted that if they looked at the Paper for the despatches which had been written by the Secretary of State for the Colonies, they would have not so much reason to complain; but the Secretary of State for War forgot that while he wrote those despatches which the Government had endorsed, the Government had also endorsed the conduct of those in South Africa, who had acted diametrically opposite to them. It was no use telling them that the view of the Secretary of State for the Colonies was of the most

Sir Patrick O'Brien

peaceable character. That clearly appeared in the Blue Books; but they had over and over again expressed their regret that their views had not been carried out. That was the real root of the question. The Chancellor of the Exchequer said that it had been found no longer advisable to leave the control of the civil and military affairs in South Africa in the hands of four different persons. What did that mean? Did it mean that there was a conflict of opinion as regarded the manner in which the war was to be prosecuted? They knew that there was a conflict of opinion between the officials in South Africa in the discussion of what led to the war. Was it only in the most critical time of the proceedings that the Government had found out what they ought to do? Those were important Questions, which were suggested by the announcement of the Chancellor of the Exchequer, and it was only reasonable that the hon. Gentlemen on that side of the House should be anxious for complete information on the subject before they consented to adjourn for the Holidays. The right hon. Gentleman the Member for Bradford had said that our soldiers were fighting with the courage of Englishmen, but it might rather be they were fighting with the courage of Irishmen, especially under the circumstances that an Irishman was now selected to retrieve our fortunes in South Africa. He only regretted that the valour of our soldiers was being exhibited in a bad, unjustifiable, and dishonourable war.

SIR MICHAEL HICKS-BEACH: Sir, perhaps I may be allowed to say a few words in reply to the Question addressed to me by the hon. Baronet the Member for Rochester (Sir Julian Goldsmid). He desires to know, firstly, for what reason Her Majesty's Government propose to make this change in the civil and military command in South Africa; and, secondly, what will be the position of Sir Bartle Frere in future. I think it will be far more convenient to the House if I ask hon. Members to wait for a few days, until they receive the Papers which will be laid on the Table of the House, and which will fully explain the reasons for this change and the position of the several officers in South Africa. But I may say these Papers will fully establish the absolute necessity for vesting the whole supreme

civil and military command in the district affected in one person, and will also show that Sir Bartle Frere will retain not only the functions of Governor of Cape Colony, but the functions of High Commissioner that were vested in his predecessor, Sir Henry Barkly. The point, however, that has principally occupied the House this evening is, what is the nature or purport—I may say the spirit—of the instructions with which Sir Garnet Wolseley is going out? I do not think I need say much in reply to the statement of the hon. Member for Mayo, who seemed to think that, whatever instructions were given, it was pretty certain they would not be obeyed—

MR. O'CONNOR POWER: Oh, no; I never said that Sir Garnet Wolseley would not obey his instructions. What I said was that those already in South Africa had flatly disobeyed their instructions.

SIR MICHAEL HICKS-BEACH: However, I recognize the natural desire of hon. Members to know the spirit of the instructions to be given to Sir Garnet Wolseley; but I would point out the extreme difficulty—nay, the danger to the Public Service—of complying with such a request at the present moment. Supposing these instructions were read from beginning to end by myself or by my right hon. Friend, what would be the result? They would be immediately telegraphed to South Africa, and published there, before the officers intrusted with the duty of carrying them out had arrived, and the very effect that we desire by these instructions to produce might thus be rendered absolutely impossible. This, however, I will say, in addition to what has been said by my right hon. and gallant Friend the Secretary for War—that Sir Garnet Wolseley's instructions will be consistent with the spirit and the letter of the expressions of opinion, with which the House is acquainted, on the part of Her Majesty's Government—to obtain as soon as possible an honourable peace; and that, therefore, as a matter of course, so far from any measures tending to the extermination of the Zulu people, or driving them to despair, Sir Garnet Wolseley will be told that it is the object of Her Majesty's Government not to extend the British territories in South Africa, but to secure for the future the safety of those now belonging to us; and that he will be not

only authorized, but directed, to receive and entertain any *bond fide* overtures that may be made to him by the Zulu King, in order that, as soon as possible, the end of his mission may be accomplished.

THE MARQUESS OF HARTINGTON: Sir, I think that probably the statement just made by the right hon. Gentleman will be satisfactory to the House; but I cannot but regret that it was not made sooner. I must also point out that the reason which the right hon. Gentleman has given for not stating the instructions to Sir Garnet Wolseley more in detail seem somewhat inconsistent with that which was given at an earlier period of the evening by the Chancellor of the Exchequer. I understood the Chancellor of the Exchequer to say that Papers would be laid on the Table and be almost immediately in our hands. If that be so, it would then be possible for the contingency that the Secretary of State for the Colonies dreads to take place; for these instructions would be telegraphed to South Africa, and be discussed there, before the arrival of Sir Garnet Wolseley. I assume that the Government will lay the Papers upon the Table as soon as, in their opinion, they can be presented without any injury to the Public Service; and I do not know that under the circumstances we can expect more than the statement just made by the right hon. Gentleman. I cannot sit down without saying I have heard with great satisfaction the announcement made by the Government this evening. We, on this side, must look upon it, to a very great extent, as a justification of the course that we thought it necessary to take a month or two ago. It is not with the policy of the Government, as laid down by them, that we have had to find so much fault. What we had have to find fault with is, that the policy was placed in the hands of men who evidently held different views, and that the instructions given by the Government were not carried out. The selection of Sir Garnet Wolseley—a man in whom the country has every reason to have great confidence, who has had the opportunity of holding personal conferences with Her Majesty's Ministers, and who, I may assume, is personally acquainted with those views, and is also in perfect agreement with them—is of such a character that the

affairs of the country will be in very different hands, when Sir Garnet Wolseley reaches the Cape, from those in which they have hitherto been unfortunately placed. I think the Government cannot be surprised at the great anxiety that has been expressed for information this evening. We cannot help looking upon this as a very critical turning-point in this matter; and although we know the general views of the Government on the subject, I think the House will have heard with satisfaction that the instructions Sir Garnet Wolseley will take with him will emphasize those views which have already met with the approval of this House. We, on this side, do not yield to any hon. Members opposite in our desire that the conclusion of the war shall be one that will give safety to the Colony, and, at the same time, honour to this country. But what we do wish clearly to understand is, that the honour of the British arms does not require the slaughter of an indefinite number of Zulus, and we also desire to know that the Government are not pledged to the opinion, which we know is held by Sir Bartle Frere, that there is no possible security for our Colonists in South Africa until the military organization of the Zulu Kingdom is entirely destroyed. I gather from what has fallen from the right hon. Gentleman that these are not the views held by the Government, and that the instructions given to Sir Garnet Wolseley will be in conformity with those despatches from the Colonial Office which have met with most approval in this House.

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"That inasmuch as the consent of Parliament to the annexation of the Transvaal was obtained by representations which have been proved to be unfounded, and whereas no valid reason exists for preferring the discontented objection to the friendly alliance of the inhabitants of that territory, this House is of opinion that the Imperial pledge which was pledged, and which has been broken, ought to be retrieved without delay by the restoration to its former independence of the South African Republic."

MR. SPEAKER: I must point out to the hon. Member that upon the Motion of which the Chancellor of the Exchequer has given Notice for to-morrow no Amendment can be moved, except with reference to the time of the adjournment.

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[*Progress.*]

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CLASS III.—LAW AND JUSTICE.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £339,680, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Commissioners and other Officers appointed under the 6th and 7th Sections of the Prison Act, 1877, and the Expenses of the several Prisons in England and Wales to which that Act applies."

only authorized, but directed, to receive and entertain any *bond fide* overtures that may be made to him by the Zulu King, in order that, as soon as possible, the end of his mission may be accomplished.

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SUPPLY—CIVIL SERVICE ESTIMATES.

[*Progress.*]

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS III.—LAW AND JUSTICE.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £339,680, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Commissioners and other Officers appointed under the 6th and 7th Sections of the Prison Act, 1877, and the Expenses of the several Prisons in England and Wales to which that Act applies."

only authorized, but directed, to receive and entertain any *bond fide* overtures that may be made to him by the Zulu King, in order that, as soon as possible, the end of his mission may be accomplished.

THE MARQUESS OF HARTINGTON: Sir, I think that probably the statement just made by the right hon. Gentleman will be satisfactory to the House; but I cannot but regret that it was not made sooner. I must also point out that the reason which the right hon. Gentleman has given for not stating the instructions to Sir Garnet Wolseley more in detail seem somewhat inconsistent with that which was given at an earlier period of the evening by the Chancellor of the Exchequer. I understood the Chancellor of the Exchequer to say that Papers would be laid on the Table and be almost immediately in our hands. If that be so, it would then be possible for the contingency that the Secretary of State for the Colonies dreads to take place; for these instructions would be telegraphed to South Africa, and be discussed there, before the arrival of Sir Garnet Wolseley. I assume that the Government will lay the Papers upon the Table as soon as, in their opinion, they can be presented without any injury to the Public Service; and I do not know that under the circumstances we can expect more than the statement just made by the right hon. Gentleman. I cannot sit down without saying I have heard with great satisfaction the announcement made by the Government this evening. We, on this side, must look upon it, to a very great extent, as a justification of the course that we thought it necessary to take a month or two ago. It is not with the policy of the Government, as laid down by them, that we have had to find so much fault. What we had have to find fault with is, that the policy was placed in the hands of men who evidently held different views, and that the instructions given by the Government were not carried out. The selection of Sir Garnet Wolseley—a man in whom the country has every reason to have great confidence, who has had the opportunity of holding personal conferences with Her Majesty's Ministers, and who, I may assume, is personally acquainted with those views, and is also in perfect agreement with them—is of such a character that the

affairs of the country will be in very different hands, when Sir Garnet Wolseley reaches the Cape, from those in which they have hitherto been unfortunately placed. I think the Government cannot be surprised at the great anxiety that has been expressed for information this evening. We cannot help looking upon this as a very critical turning-point in this matter; and although we know the general views of the Government on the subject, I think the House will have heard with satisfaction that the instructions Sir Garnet Wolseley will take with him will emphasize those views which have already met with the approval of this House. We, on this side, do not yield to any hon. Members opposite in our desire that the conclusion of the war shall be one that will give safety to the Colony, and, at the same time, honour to this country. But what we do wish clearly to understand is, that the honour of the British arms does not require the slaughter of an indefinite number of Zulus, and we also desire to know that the Government are not pledged to the opinion, which we know is held by Sir Bartle Frere, that there is no possible security for our Colonists in South Africa until the military organization of the Zulu Kingdom is entirely destroyed. I gather from what has fallen from the right hon. Gentleman that these are not the views held by the Government, and that the instructions given to Sir Garnet Wolseley will be in conformity with those despatches from the Colonial Office which have met with most approval in this House.

SIR CHARLES W. DILKE said, he had that morning sent to the Secretary of State for War a letter written by Bishop Colenso and referring to the messengers reported to have been sent by Cetewayo to Lord Chelmsford to ask for peace—a subject on which the hon. and learned Member for Louth (Mr. Sullivan) had already asked a Question. From this letter, the Secretary of State would see that these messengers were men who had formerly brought most important messages from Cetewayo to our Government, and that, in Bishop Colenso's opinion, they were of sufficiently high authority to be the bearers of overtures of peace.

SIR WILLIAM HARCOURT desired to ask the Colonial Secretary, whether the commission at present held by Sir

Sir Michael Hicks-Beach

Bartle Frere was cancelled or about to be cancelled? That commission was one conferring such great and general powers that Sir Bartle Frere considered it justified him in making war without the consent of the Government; and unless it were cancelled, they would have no security for the future, and it would be likely to conflict with Sir Garnet Wolseley's commission.

SIR MICHAEL HICKS - BEACH said, if the hon. and learned Gentlemen would wait until he saw the Papers, he would find that they explained precisely the position of the matter.

MR. PARNELL did not think the assurance of the Government so satisfactory as the right hon. Gentlemen on the front Bench seemed to believe. He wished to know whether Sir Garnet Wolseley's instructions would forbid the employment of Native auxiliaries for following up the Zulus when beaten in the field? The practice had given rise to horrors that was a disgrace to humanity and civilization.

MR. SULLIVAN said, he recognized the force of the suggestion made by the hon. Member for Hackney, and thought it would, therefore, be desirable of him to withdraw his Motion for the adjournment of the House, and give Notice that to-morrow he would ask the Chancellor of the Exchequer, whether he could state to the House in substance the instructions given to Sir Garnet Wolseley with reference to the negotiations for peace? He thought it unreasonable that he should ask anything as regarded military movements. Those must be left to the General in the field; but, under the peculiar circumstances of the House adjourning for a fortnight, he thought it right that he should ask for the substance of the instructions with regard to the negotiations for peace; and if he did not get a satisfactory answer, it would be his duty to oppose the Motion for the adjournment of the House.

Motion, by leave, *withdrawn*.

SOUTH AFRICA — THE TRANSVAAL.

NOTICE OF AMENDMENT TO MOTION.

MR. O'DONNELL: I beg to give Notice that to-morrow I shall move as an Amendment to the Motion of the Chancellor of the Exchequer for the adjournment for the Holidays—

"That inasmuch as the consent of Parliament to the annexation of the Transvaal was obtained by representations which have been proved to be unfounded, and whereas no valid reason exists for preferring the discontented objection to the friendly alliance of the inhabitants of that territory, this House is of opinion that the Imperial pledge which was pledged, and which has been broken, ought to be retrieved without delay by the restoration to its former independence of the South African Republic."

MR. SPEAKER: I must point out to the hon. Member that upon the Motion of which the Chancellor of the Exchequer has given Notice for to-morrow no Amendment can be moved, except with reference to the time of the adjournment.

MR. O'DONNELL said, he would pursue his object in a form that would bring it within the Rules of the House.

AFGHANISTAN — THE WAR — SIGNATURE OF A TREATY OF PEACE.

OBSERVATIONS.

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MR. DODSON said, he wished to ask a few questions. He observed by the Estimates that his right hon. Friend the Home Secretary (Mr. Assheton Cross) had reduced the number of prisons by 43; his original estimate was that he would reduce them by 50, and that number was afterwards increased to 54. He should like to know to what further extent his right hon. Friend hoped to be able to reduce the prisons? Was any further reduction contemplated in the staffs of the prisons, which had been brought down from over 2,500 to 2,230? According to the Estimates, also, the right hon. Gentleman had reduced the cost of the prisons, compared with what it was in 1877, the last complete year of the old régime, by £52,000. The original reduction contemplated was £50,000, so that his right hon. Friend had been even more successful than he hoped for; but that, he was sure he would admit, was partly due to the great fall in the cost of fuel, food, and clothing. He should like to know if his right hon. Friend had any idea of how much of that reduction was due to the reduction in the number of the prisons and of the staff? At the time he introduced his Prisons Bill his right hon. Friend said he hoped to double the return from prison labour. Up to the present time, however, there was no advance in this respect. In the year 1877 the return from extra receipts was £65,000, which included some other items, prison labour amounting to £56,000; while the estimated receipts this year, with a somewhat larger number of prisoners, were only £60,000. Therefore, he thought he might presume that the net earnings from prisoners' labour actually decreased, and he should like to ask why that was so? The result appeared to have been the same last year, for in the foot-note to the Estimates it said "estimated receipts £60,000" for last year. Could not his right hon. Friend tell them the actual receipts? He was putting these questions in no carping spirit, but merely to elicit information, and with the most sincere desire that the most sanguine expectations of his right hon. Friend might be realized. Of course, even if all those expectations were realized, the difference would only be a halfpenny or three-farthings in the pound on the rate, and even that could not be realized for some years till the pensions began to

run out. The financial success of the Prisons Act would depend upon continued firmness on the part of the Government. Of course, a Central Department was very much handicapped in obtaining economy, because in such offices there was always a natural tendency to extravagance, not from carelessness or want of vigilance, but from this officer and that officer recommending this improvement or that improvement in the desire to make the system perfect. Unless, in fact, this tendency was repressed by a firm and vigorous hand, in a very few years the cost of the new system would be greater than that of the old.

MR. ASSHETON CROSS regretted that he was unable fully to answer the questions of his right hon. Friend, for the simple reason that the accounts were not sent in until after the close of the financial year; and, therefore, the Commissioners did not expect to be able to get them ready for presentation to Parliament before July. Still, he would answer to the best of his ability, and would promise that the different matters should be fully dealt with in the Report. They thought it right to take two years in which to decide what prisons should be closed. Very little more than a year had elapsed since the passing of the Act, and 43 had already been closed, and orders had since been given for closing one other. He and the Prison Commissioners had it in contemplation to close quite as many as was originally proposed; but on that subject he would not say more, except that in order that certain prisons might, to the public advantage, be closed, £29,000 had been taken for alterations, in order to make certain prisons larger. A reduction of the staff would naturally follow from this; but it was not his intention to reduce the present staff more than he had done. From what he had seen of the Estimates, he thought £10,000 of the £52,855 saved was due to the reduced cost of food, &c.; but he had no hesitation in saying, from what he had already experienced, that there would certainly be an eventual saving of £50,000 from the reduction in the number of prisons and of the staff. There had also been an increase of 1,000 in the number of prisoners; yet, in the face of that, the expenses had been thus largely decreased. This was, however, only an

increase for a time. As to the prison labour, when the local authorities gave up the prisons they sold off all their materials; and, therefore, there was no great demand at the present time for such goods as they had to sell, for there was such a thing as glutting the market. A system like that, either, could not at once be put in order, and it was some time before they got into full swing. Therefore, he did not think the estimate for the first year would be reached, though he did hope and expect that the one for the second year, of £60,000, would be realized. Up to the present, also, he had not done very much in the matter of prison labour, for he thought it very desirable first to make inquiries as to its effect on trade outside. He accordingly appointed a Departmental Committee, who went into the matter very thoroughly. Their Report was again submitted to a very able person, who went most carefully and narrowly through it, and then presented a very able and elaborate Report on the matter, for his (Mr. Assheton Cross's) private inspection. Before, however, finally dealing with the matter, he thought it better also to have the opinion of two absolutely independent and impartial persons, who had nothing to do with the matter officially whatever, and, therefore, he submitted this Report to two gentlemen who had nothing whatever to do with prison labour in any shape or form. One of them was a most active county magistrate in the West of England, and the other was a medical gentleman. They had also reported, and he now hoped to be able to deal with the question. He had felt, however, that it was far more satisfactory that this question of prison labour should not be touched at all until there had been the most careful inquiry as to its effects. Therefore, it would still be some little time before this system got into working order, although he was sure the amount earned would reach the estimate in a year or two.

MR. COLE was sorry that the Home Secretary had not been able to give them more exact details as to the amount received from prison labour during the Government had had the prisons under their exclusive charge.

MR. ASSHETON CROSS said, he had not been quite understood. The accounts had not yet been made up for

the reasons he had stated. The Government did not get the system of prison labour in work for the first three months either.

MR. COLE could not understand why the labour should have been stopped when the Government took over the gaols. There was, undoubtedly, a strong feeling outside against prison labour, and it was said that certain industries were ruined by the competition. That might be true, perhaps, to some extent, as regarded mat-making; but, on the other hand, he had always been in favour of making a felon earn his own living by industrial labour. It was said that that would glut the labour market, but it was not at all the case, for the criminal was taken from his work outside, and it mattered very little whether he laboured inside a gaol or outside. He should be put to work at the same trade as he ordinarily worked, and if the man did not know a handicraft trade, which was often the case, he hoped the Home Secretary would do what he himself had always contended ought to be done—that was, to try and teach the prisoners some trade while they were in prison. In Devonport gaol, of which he had had a large experience, the Governor actually built the whole of a large wing entirely by prison labour, and it was admitted on all hands that the work was far better than that in the old gaol. Why, then, should not these felons be taught various handicraft trades which would be of benefit to them when they came out. [MR. ASSHETON CROSS: It is being done.] He (Mr. Cole) was very glad to hear it, because there was too great a tendency to teach only one or two trades, and to keep prisoners employed at those trades, and so the complaint as to the glutting the market arose. If they were employed in a great number of various industries no complaint could properly arise. He hoped the right hon. Gentleman did not mean to close Plymouth gaol, which was now very full in consequence of the closing of the gaol at Devonport.

MR. ASSHETON CROSS stated that he had recently told the Mayor that that prison was not going to be closed.

SIR WALTER B. BARTELOT wished his right hon. Friend could have given them a more clear and distinct account of the cost of every prison, naming

each prison, throughout the country, now that they were under the Government, so that they might compare it with the cost under the magistracy. The present statement was a very vague one, and they ought to have all this information given them without having to go to the judicial statistics. The present was a very unfair way of making out the accounts, for it was his firm conviction if the accounts were analyzed, instead of there being a saving under the present system, that a loss would be shown. As a visiting magistrate of more than 30 years' experience, he was unhesitatingly of opinion that, as a majority of the sentences were for very short terms, it would be impossible to make any very large sum by the earnings of the prisoners. The old system was gone, and they had to deal with the new state of things; but he did think that the Government should give them the means of judging whether it was working fairly or not.

MR. RYLANDS said, he had never for a moment anticipated that the Prisons Act would be carried out in a manner satisfactory to the local authorities, and he had no sympathy with those magistrates who cringed to the Home Office and were willing to sell their local rights and powers of administration in order to get relieved of responsibility which belonged to them. It was necessary, to some extent, to struggle against officialism, which certainly, in his opinion, had lessened the efficiency of prison discipline, and was very likely to lead to increased expenditure. The right hon. Gentleman, when he introduced the Prisons Act, made a promise to the House to which he (Mr. Rylands) thought he must be held. That promise, from which he was quite sure there was no wish to depart, was that—"While the local rates would be relieved to the extent of £92,000, there would only be an additional charge upon the Public Revenue of £285,000." The right hon. Gentleman, in stating what was perfectly clear from the Estimates, that this point had not been reached, had treated the matter with perfect candour. But the position of affairs at starting this year was this. In the first place, the Government had admitted that they were at a considerable distance from the goal at which they themselves wished to arrive, inasmuch

as they had not been able to bring down the expenditure to anything like the amount anticipated; and, in the second place, they had also admitted that they were unable to bring up the earnings for prison labour to anything like the amount expected. He wished to point out to the Home Secretary that there had been already, owing to certain causes, such as the reduced cost of food and clothing, referred to by the right hon. Member for Chester (Mr. Dodson), a very considerable diminution in the prison expenditure since the year 1875, and that, therefore, economy might have been secured had the Government so willed it without this great revolution in prison management. But he had to complain that the account presented for the information of the House was delusive, inasmuch as it did not contain a number of charges which had come upon the Exchequer in consequence of the passing of the Prisons Act; for instance, there was a charge of £11,000 for printing and stationery, which was paid out of another Vote and which, therefore, did not appear in the present account. There was also a charge of £600 on account of prisons included in the Supplementary Estimates; in fact, the House would find various charges cropping up in the different Votes, which would not have been there but for the prisons having been taken over by the State; and although it would not be fair to make use of captious criticism, he thought that the House would be obliged to put the Government, so to speak, upon their trial with regard to the prisons which had been so unreasonably taken over. He thought that as soon as the Government were in a position to state the facts the House should receive a full account, not merely of the charges which appeared on the face of this Vote, but of all charges which had been brought upon the Exchequer in relation to prisons in consequence of their being taken over by the State, and that these items should be brought to a focus and appear in a tabulated form. He did not press this upon the Government because he had opposed the Bill, or with any wish to show that, under the new system, there would be less economy. On the contrary, he should be agreeably disappointed if the system proved to be an economical one, as would also be the case with several distinguished gentlemen in the

Sir Walter B. Barttelot

Treasury who, he was quite certain, had not expected that the taking over of the prisons would be an economical operation. If, however, those expectations were agreeably disappointed, he should be very glad; but it was to be feared, from their experience of Government administration—what with the increase of officials and their superannuation allowances, the building of new prisons and the pulling down or enlarging of old ones, as well as with the staff of architects and builders likely to be employed—that the volume of cost would continue to swell year by year. If such was found to be the case, many hon. Members would not fail to press the fact upon the attention of the Government.

MR. ASSHETON CROSS said, that according to a Return which he held in his hand, the cost of the county and borough prisons for the year 1873 was £585,000, from which amount had to be deducted the sum of £43,000 for interest on loans to local authorities for building purposes; in round numbers, therefore, the cost of the county and borough prisons for the year 1873 amounted to £542,000. According to the estimate presented by him to the House at the time, the probable reduced cost of the prisons was £484,500, which he had proposed to meet by taxation to the extent of £371,000, prisoners' labour £106,000, and other contingent receipts of £7,500. Taking this sum of £484,500, and comparing it with the estimate of the year 1879-80, which amounted to £472,680, it would be seen that he was still within the sum stated to the House. Again, he had stated that the sum of £97,000 had already been paid out of the taxes in the year 1873; this sum would, therefore, have to be deducted from the £371,000, a circumstance which appeared to have slipped from the mind of the hon. Member for Burnley (Mr. Rylands), when he reminded the House that he (Mr. Assheton Cross) had promised that the extra burden upon the taxpayers should not exceed £285,000.

MR. SERJEANT SIMON said, that, without intending to repeat the observations which he had felt it his duty to make on a previous occasion, he must refer to the difficulty of adjusting prison labour in such a way as would not bring it into undue competition with the work done outside. There were certain things

connected with the system of prison labour to which he called attention. In the first place, he understood that it had been the custom for the prison authorities to issue tenders to, and also to receive them from, manufacturing firms outside the prison walls, thereby creating competition with the labour of the honest man. This procedure, if truly stated, he held to be extremely objectionable. One of the tenders referred to had been shown to him in the Lobby, and he was informed that tenders similar to that which he had seen were also issued from a prison in Cambridgeshire, and were by no means uncommon. Surely the right hon. Gentleman the Home Secretary would see that such a course was inconsistent with what was due to the honest labourer, because, from the circumstance that prisoners were housed and fed at a comparatively small expense, their work could always be made to undersell his. Therefore, he desired to know whether the right hon. Gentleman was aware that such a practice as had been described existed in the prisons, and, if so, whether he would issue such instructions as would prevent its repetition? The subject, as he was quite aware, was difficult and delicate; at the same time, he knew that his right hon. Friend always desired to do what was just and right to the honest labourer. Again, when the Prisons Bill was before the House, great stress had been laid upon the fact that prison labour was confined to one or two industries, and that it was not generally distributed over the different industrial employments. One reason alleged for this was, as stated by his hon. and gallant Friend (Sir Walter B. Barttelot), that the prisoners sentenced for short terms of imprisonment could not be taught certain trades, and that mat and brush-making were much handier for them to learn. But he (Mr. Serjeant Simon) hoped that when the prison regulations were issued, due regard would be paid to the promise given when the Prisons Bill was before the House, that industrial labour in prisons should be extended to the industries generally, and not be confined to, or put in competition with, one or two trades.

SIR BALDWIN LEIGHTON complained that, although the Government were pressing the localities to provide extra accommodation for lunatics, the

Commissioners had thrown many difficulties in the way of their obtaining the grants to which they were entitled.

MR. A. MOORE hoped the right hon. Gentleman the Home Secretary would not be carried away by the observations which had been made by the hon. and learned Member for Dewsbury (Mr. Serjeant Simon) with respect to prison labour, and that he would also bear in mind that besides the honest labourer there was the honest taxpayer. He objected very strongly to the agitation with regard to this subject, because it was prejudicial to the public interest, and could never see why prison labour should not be made use of for public purposes, nor why prisoners upon whom large sums of money were spent should not be allowed to do something towards their own maintenance. That doctrine, in his opinion, was most objectionable, and he believed that by the proper use of prison labour very large contracts might be undertaken. It was, therefore, to be hoped that the right hon. Gentleman would not lose sight of the interest of the honest taxpayer by prohibiting remunerative labour in prisons. It was desirable that these institutions should be allowed to produce as much as they could, and that the Government should utilize the results of prison labour for the public benefit in any way they thought fit, always provided, of course, that they did not undersell ordinary labour.

SIR ANDREW LUSK, although he disliked the Prisons Act, admitted that the Home Secretary had carried out its provisions fairly and efficiently, and that he had also shown a desire to turn prison labour to account from a business point of view. Speaking as one of many years' experience of the Central Criminal Court, he considered that a good deal of sentimentalism had been talked upon this matter of prison labour; and he begged to assure the House that the magistrates, in sentencing a man to a term of imprisonment, were only influenced by a desire to promote the ends of justice, and that they paid no regard whatever to the possibility of turning the labour imposed to profitable account. The public good would, in his opinion, be very much interfered with if they were to allow themselves to be influenced by any such considerations. Referring to the subject which he had brought to

the notice of the Home Secretary when the previous Prison Vote was under the consideration of the Committee, he reminded the right hon. Gentleman that the magistrates considered it hard that they were unable to grant permission, under proper circumstances, to persons who wished to see their relations in prison. Some liberty should, in his opinion, be granted in this respect, to supersede the difficult and, in many cases, almost impossible application on the part of poor people to the Home Secretary. It was to be feared that by unnecessary deprivations of this kind prisoners, whose punishment was intended as an example to others, became hardened, and were sometimes in a worse state when they came out of prison than when they went in. He therefore trusted that the right hon. Gentleman would afford some facilities in the direction indicated.

MR. PARNELL said, he could not see how the managers of prisons were to put themselves in a different position to the managers of any other manufactories, because, after all, they must look out for orders for their manufactures, and, in doing so, they necessarily placed themselves in competition with the outside world, because consumers of manufactured goods would always try to buy in the cheapest market, and would probably give the preference to employers of labour like themselves. For these reasons, the managers of prisons were in considerable difficulty, and had to arrange for the sale of their goods as best they were able. But his object in rising was to call attention to the arrangement of the Order Book for that evening, with reference to Supply, and, for the purpose of putting himself in Order, he thought it would be necessary that he should conclude with a Motion. It appeared to him that the Government had adopted a course which was exceedingly inconvenient in placing upon the Paper a great number of Classes of Supply, and following that up by a demand for a Vote on Account. He had never known of an instance in which the other Classes of Estimates had been set down prior to a Vote on Account, while the course proposed by the Government was rendered all the more inconvenient at so late a period of the Session. He never objected to Votes being taken on account at an early period of the Session, because the system adopted by the

Sir Baldwin Leighton

Treasury and by the country necessitated the return to the Exchequer of all unexpended balances, the Government being, consequently, obliged, at the commencement of the Session, to ask the House for Votes on Account to meet the current expenditure of the various branches of the Public Service. But he thought that the position of the Government in the present Session was certainly one which should have prevented any appeal being made for a second Vote on Account. At the beginning of the Session, a very exceptional and stringent Rule was adopted by the House and the Government, who promised that the Estimates should in future be brought forward regularly, and Votes on Account avoided. That promise had not been fulfilled, inasmuch as the Government, having taken one very considerable Vote on Account, were now asking for a second Vote to meet the expenditure for another month. He therefore considered that, under such circumstances, it would have been reasonable for the Government to have placed the Vote on Account before the Votes classed in the Estimates, and that the hon. Baronet the Secretary to the Treasury was ill-advised in adopting the opposite course, by which the Vote on Account would, in all probability, be reached very late in the evening, and at a time when hon. Members would get no explanations from the Government for this unusual and unsatisfactory procedure. He was not aware of any case where the Government had obtained a Vote on Account after Votes in Supply were granted; and, for this reason, it seemed to him that they should vindicate the course pursued on the present occasion. Again, he wished to point out to the hon. Baronet who had the arrangement of the Government Business that no single night during the Session had as yet been devoted to the consideration of the Irish Estimates. He was aware that upon one occasion, after the Easter Recess, these Estimates had been brought forward; but it would be remembered that the hon. and gallant Member for Galway (Major Nolan), in view of the absence of the Irish Members, had felt it incumbent upon him to ask the Government for a postponement of the Votes until their return. To this the Government had very kindly consented; but as the Irish Estimates had

only been brought forward once during the Session, he (Mr. Parnell) thought the Committee were entitled to ask for some explanation of the very unprecedented course which had been adopted. He believed, upon the occasion in question, the Irish Members were asked to vote for the Irish Constabulary and Board of Works, as well as for the Scotch Universities. Without going into these matters, he wished to remind the Committee that very important questions attached to them all. It was only on Friday evening last that the Irish Members came to the conclusion that they would oppose the Vote for the Scotch Universities. The Chancellor of the Exchequer had stated that he would take Class IV., in which this Vote was included, that evening; but immediately the Government heard that it was to be opposed by the Irish Members, Class IV. was dropped. The hon. Baronet (Sir Henry Selwin-Ibbetson) said that Class IV. was not mentioned; but he would, perhaps, allow him to say that it was not mentioned by him. The Chancellor of the Exchequer, however, on rising to reply to a Question with regard to the Business on Monday, had mentioned Class IV. amongst those which were to be considered in Committee. At all events, Class IV. had been excluded, and it was found that no Vote was to be asked for on account of the Scotch Universities. But the Government had asked for a Vote on Account, the practical effect of that being to preclude all discussion with reference to the Vote. Under those circumstances, he thought he should be excused for asking the Government at what time of the evening they proposed to take the Vote on Account, and whether they would except from that the Votes for the Scotch Universities and the Irish Constabulary? Otherwise, the Irish Members would be prevented during the present Session from discussing the Votes in question, or, at all events, they would be driven on to so late a period as to render discussion impossible. Secondly, he wished to ask the hon. Baronet whether the Queen's Colleges in Ireland were getting any money, there having been no Vote on account of these institutions, and nothing being asked for that evening?

THE CHAIRMAN pointed out that the hon. Member had stated his intention to conclude with a Motion.

MR. PARNELL said, he had not forgotten the Motion. He was simply asking the hon. Baronet how the Queen's Colleges were subsisting during the time that no money was voted to them? He was aware that they only derived a portion of their endowments from the Votes; but as it was well known that, as regarded the Army Estimates, money voted by the House for particular services was applied to services for which it was not intended, it had struck him that the same thing might, perhaps, be taking place with regard to the Queen's Colleges. If the hon. Baronet would like to postpone the Vote for the Scotch Universities, it would not be necessary to take any discussion upon it to-night; but, if not, discussion would be necessary. As far as he was concerned, the Vote for the Scotch Universities might pass as a matter of course; but as he felt it his duty to press that the Vote on Account should be brought forward at as early an hour as possible, he begged to move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Parnell.*)

SIR HENRY SELWIN-IBBETSON confessed his regret that the interests of the Public Service had forced upon him the obligation of asking the House to take a second Vote on Account that evening. When he proposed the first Vote on Account, three months' Supply was asked for, and it was stated that notwithstanding the facilities given to the Government at the beginning of the year, the period of the Session was so much advanced that he could not see the possibility of getting a sufficient number of Votes passed to enable the Government to carry on the Public Service unless they had Votes on Account. To that proposal opposition was taken, and the amount cut down to two months' Supply. As he had foreseen, the state of Supply was such that the Public Service would be practically without sufficient money for the requirements—that was to say, that the sum at the disposal of the Government would be run out in the course of next week or so, unless another Vote on Account was obtained, because there was very little chance of getting money in Supply in

time to meet the necessities of the Public Service. With regard to the question of the hon. Member for Meath (*Mr. Parnell*) concerning the Civil Service Votes, the same conditions did not apply to these as to the Votes for the Army and Navy, and there was no power of distributing public money over Votes not passed by the House. For that reason, he regretted to say that the Queen's Colleges and Queen's Universities in Ireland had not up to that time been able to get any of the money voted in the Estimates of the present year. With regard to the other point raised by the hon. Member, that by this time the Government ought to have had Supply much more forward, he thought the Committee, or, at all events, the hon. Member for Burnley (*Mr. Rylands*), would bear him out when he said that he had strenuously endeavoured to keep Supply as much as possible before the Committee of the House whenever an opportunity had offered. Notwithstanding that the Session had been rather rife with Votes of Censure upon the Government, which had taken up many nights, he had never missed a single occasion of endeavouring to get Supply passed by the Committee. It was a remarkable fact, however, that he had only got into Supply on four occasions. On the 18th April, 21 Votes in Class I. and 9 Votes in Class II. were passed; on the 21st April, 10 Votes in Class II.; on the 12th May, 17 Votes in Class II.; and, on the 19th May, 15 Votes in Class III. were passed, making a total of 72 Votes which he had been able to get in the Civil Service Estimates, and leaving 72 Votes still to be considered by the Committee. The Committee would see from that statement that the Government were not in a position to do without a further Vote on Account. The Vote asked for on account was for one month's more Supply; but it in no way precluded discussion on any single Vote embodied in the Estimates, for after this had been granted there would still remain a large sum to be voted. The Committee, therefore, would have fair and ample opportunities for discussion and consideration of any Vote to which hon. Members might take exception. Although the hon. Member for Meath thought that it was his intention to drive off the Votes to a period when hon. Members were likely to be worn out, or were want-

ing to get away, he could assure him that such, at any rate as far as he was concerned, was not the desire of a Secretary to the Treasury, whose object was to make Supply his first care, and to keep it before the Committee of the House until the whole was passed. He ventured to think that in the course of the next few weeks the Government might be able to place Supply on the Minutes, and if hon. Members opposite would have confidence enough in Her Majesty's Government not to pass too many Votes of Censure, he believed an endeavour might be made to meet the views of the hon. Member for Meath, and give him an opportunity of criticizing the Votes in question. If the Irish Votes had been postponed, the fault was due to the good-nature of the Secretary to the Treasury rather than to any wish to obstruct Business, for he had more than once been asked to postpone their consideration in order to meet the convenience of the Irish Members. He could assure the hon. Member for Meath that he would not be long without the opportunity of discussing the Irish Votes, which should be brought forward on the first occasion when Irish Members were present in sufficient numbers properly to consider them. Every week's postponement of the Votes for the Queen's Colleges and Universities, in his opinion, rendered their discussion the more necessary. He repeated, that his anxiety was to meet the views of hon. Members, and to bring forward the Civil Service Estimates as early as possible during the Session, in order to complete Supply and to allow opportunities for fair discussion upon particular Votes.

MR. RYLANDS said, he must bear testimony to the anxiety of the hon. Gentleman the Secretary to the Treasury to meet the views of everyone in the House. Nothing could be more satisfactory than the endeavours of the hon. Gentleman to meet the convenience of all. Still, he thought there was some reason for objecting to the course now taken by the Government in placing Votes on Account in the Paper on the same day as Committee of Supply. The objection taken to that course was of this kind. It was understood that Votes on Account were within the terms of the Resolution with regard to the conduct of Public Business; so that if a Vote on

Account were taken on any day but Monday, hon. Members would have a right to move a Resolution before going into Committee of Supply. He might say that he had the highest authority in the House—namely, the Speaker—upon that point, for Mr. Speaker had informed him that the rule would be that Votes on Account would be considered as ordinary Supply. Having robbed independent Members of some of their privileges—they had, unfortunately, been robbed by his hon. Friend who sat upon the Treasury Bench—they were now asked to restrict their privileges still more. The Government were asking them now to put down on Monday two Votes in Supply—one in regard to ordinary Supply, and one on Account. Notwithstanding his objection to the course taken, however, he did not intend to stop the progress of the Votes. This was the first occasion on which Votes on Account had been put down on the same evening as Votes in Supply, and he trusted it would not be made a precedent with regard to the Business of the House. He wished to give the hon. Gentleman the Secretary to the Treasury Notice that when Votes were put down as Votes on Account on Monday, resistance would be made to their being taken. Considering, however, the explanation given by the Secretary to the Treasury, that he had only put down the Votes on that occasion with a view to the convenience of Members, and in order to push forward Supply, he did not think it would be unreasonable to take them on that occasion without construing their being so taken in any way into a precedent.

SIR HENRY SELWIN-IBBETSON wished to say, in explanation, that it was absolutely necessary to take these Votes on Account before Whitsuntide. Unless he had put them down for Monday, it would be necessary for him to have taken a portion of the Whitsuntide Holidays, and detained hon. Members till Thursday. As he did not wish to put hon. Members to that inconvenience, he had taken the course of putting down the Votes on Account on the same evening as Supply for the ordinary Civil Services. He fully agreed with what had been said as to its not being an ordinary course to take; but he only adopted it on the present occasion with a view to consulting the convenience of the House.

MAJOR O'BEIRNE said, that he had the same objection as his hon. Friend the Member for Meath (Mr. Parnell) to Votes being taken on account of the Irish Constabulary. The state of affairs in that force was incompatible with discipline, and, speaking as an officer, he must say there was reason for grave objection. He did not, however, then intend to enter into that question; but he wished to protest against any Votes being taken on account of the Scotch Universities. He thought it was the duty of Irish Members to resist any Vote on that account, inasmuch as Scotch Members had taken considerable trouble to give the greatest possible opposition to the Irish University Bill.

THE CHAIRMAN: The hon. and gallant Member is not in Order in going into the question of a Bill not under discussion by the House.

MAJOR O'BEIRNE observed, that the opposition of the Scotch Members to a Bill which had been introduced was very unreasonable; and so long as Scotch Members objected to the Imperial funds being applied in the same manner in Ireland as in Scotland, they must resist any Votes on Account of the Scotch Universities.

MR. MITCHELL HENRY said, that the Motion before the House was that of the hon. Member for Meath to report Progress. The subject they were debating before the Motion of the hon. Member was moved was that of prisons, and he wished to say a word or two on that subject when the present discussion was closed. He understood that the object of his hon. Friend the Member for Meath would be accomplished, if the Secretary to the Treasury assured them that this Vote on Account which he proposed to take would not include anything for the Scotch Universities. If the hon. Gentleman gave them that assurance, which he imagined he would be able to do, he apprehended that his hon. Friend the Member for Meath would withdraw his Motion. He considered that he was quite right in objecting to any Vote being taken on account which should include grants in aid of the Scotch Universities. With respect to this discussion on University Education, he wished to point out that their only practical way of objecting to a particular system of University Education was by moving to reduce the Votes, and the only effect

of postponing the Vote on Scotch Universities now would be that that Vote would be taken definitely on another occasion; and so long as the Scotch Members objected to the institution in Ireland of a similar system to what they themselves enjoyed, so long must the Irish Members oppose any Vote for the Scotch Universities. He wished to call the attention of the House to what he thought were the ill effects of its abandoning its privileges on Monday. When that was proposed, he stated to the House his conviction that by discussing preliminary matters first they were enabled to have a more full and free discussion afterwards. They had been discussing the Prison Estimates, and the subject of prisons had caused considerable excitement in the country. By having a discussion before Committee, they would have obtained a full attendance of Members. But now anything they might say on the subject of prisons in Committee would not be reported, and they might as well address themselves to empty Benches as to the House in its present condition. These things were wrong, and were the result of the abandonment of the privileges of hon. Members for discussing questions before going into Committee. He protested at the time against Monday being taken from them, inasmuch as a Motion before Supply was almost the only opportunity they could get for discussions to be fully reported. It was well known that the discussions on the Estimates were not reported. But he hoped that when they had disposed of the Motion then before the House they would come to the question of prisons, and that the right hon. Gentleman the Home Secretary, who was responsible for them, would then be in his place. He did not grudge the right hon. Gentleman his necessary refreshment; but it would be more satisfactory that he should be in his place when the Prisons Vote was under discussion. He would not sit down without bearing testimony to the courtesy of the Secretary to the Treasury in postponing Irish Votes whenever requested to do so for the convenience of hon. Members. The hon. Gentleman was the most conciliatory Secretary to the Treasury that ever sat in that House, and he had always in the most obliging manner agreed to postpone Votes to suit the convenience of Members of all parts of

the House. The hon. Baronet, he was sure, was actuated by a sense of justice and a wish to discuss Votes fairly and fully, and, he trusted, for the benefit of the country. He therefore begged to tender to the hon. Gentleman his vote of thanks for the course he had taken with regard to Irish Votes.

MR. A. MOORE thought it very unfair to place amongst the Votes on Account, which were otherwise unobjectionable, one to which considerable objection was raised. They did not object to give money for denominational purposes; but it was a great injustice to ask them to vote this money for the Scotch Universities so long as all parts of the country did not equally share in an expenditure from the public funds for the same purposes. If the hon. Baronet the Secretary to the Treasury would consent to postpone the Vote for the Scotch University Education till another occasion, when it could be brought on at an early hour, he thought the hon. Member for Meath would be justified in withdrawing his Motion; but it was unfair to ask them to vote this money while they had no chance of protesting against it.

SIR HENRY SELWIN-IBBETSON was not quite sure that they were in Order in discussing a Vote when there was a Motion to report Progress before the House. As, however, there had been a strong expression of opinion against taking a Vote on Account for the Scotch Universities that evening, he would certainly omit that item from the Votes on Account. He must remind hon. Members that, because Votes on Account were taken, it in no way prevented the Vote itself being discussed. The particular sums voted were only for three months, and they had still nine months to vote on account of the Supply required; and there would, therefore, then be an ample opportunity for discussing the principles of the grants. But as the Votes were required for carrying on the different Services, he must press for a Vote on Account that night, with the exception of the item that he had mentioned. He would remind the hon. Member for Galway (Mr. Mitchell Henry, that it was not absolutely the fault of the Government that the Prisons Vote had come on to be discussed in a thin House. Various Members had raised a somewhat un-

expected discussion; but had the Prisons Vote been taken in the manner proposed by the Government, it would have been considered in a full House. Therefore, he thought the Government must be acquitted of not bringing the Prison Vote on for discussion in a full House.

MR. O'DONNELL was of the same opinion as other hon. Members as to the manner in which the hon. Baronet the Secretary to the Treasury always treated the representations of hon. Members on that side of the House. He must, however, say that he felt that the discussions during that Session had very strongly corroborated the view he took, that Public Business was not facilitated by taking away the right of discussion before going into Committee of Supply. He could not but think that hon. Members were desirous to discuss items in the Estimates, so as to bring in general considerations which would have been very much better treated by means of the regular Resolution on going into Committee of Supply. The result was not only that the time of the House was quite as much occupied as before, but that they had a discussion which did not go directly to the point. It had been very fairly pointed out that they could not make the discussions upon the Estimates as generally interesting as they would be if brought on before going into Committee of Supply. He hoped he should not be in any way considered ungrateful in alluding to the conduct of the Secretary to the Treasury in postponing Irish Votes when requested to do so on account of the scant attendance of Irish Members, when he stated his opinion that that system was very injurious. Irish Members were to blame, and were fully responsible for deranging the regular progress of proceedings in the House, by requiring matters to stand over to meet their convenience. The practice of postponing matters in which Ireland was interested in consequence of the small attendance of Irish Members must injure the influence of Ireland in that House. If Ireland got anything like her proper value from the representation of 165 Members, there would not be a single Irish grievance, from tenant right to Home Rule, that would not be remedied in the space of three Sessions; therefore, he was heartily opposed to every attention being shown to Irish Members which encouraged them to ab-

stain from doing their duty to their constituents in that House.

MR. PARNELL asked leave to withdraw his Motion, as he thought that the hon. Baronet the Secretary to the Treasury had made a very reasonable arrangement. He thought that the Vote on account of the Irish Constabulary should also be postponed.

MR. GOURLEY considered that there was a great difference between the Vote for the Scotch Universities and the Irish University Question. Whatever happened, the money must be granted by Parliament for the Scotch Universities, and he thought the Government were not acting rightly in consenting to the request for the postponement of the Vote on Account for them. It was very well known why their Irish Friends were asking for a postponement of this Vote; it was from the opposition of the Scotch Members to the Bill with reference to the Irish University. But the difference between a Bill for the Irish University, and voting money required for Scotch Universities, was very great. The payments on account of the Scotch Universities had been incurred, but the Irish University was yet in embryo; and, therefore, it was unfair to require the postponement of a Vote on Account for the Scotch Universities. He did not think that the Government were acting with a due desire to push forward the Business of the House in consenting to the postponement of the Vote.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. PARNELL wished to make some observations with reference to the disproportion between the salaries of the prison officials in England and Ireland. His hon. Friends were obliged, by the Forms of the House, to move to reduce the salaries of the English prison officials in order to give effect to their view that Irish prison officials should be paid larger salaries. He did not wish to go at length into this question, because he hoped that satisfactory assurance would be given either that the salaries of the English prison officials would be reduced, or that the salaries of the Irish officials would be raised to the same level. He had in his hand a long list, showing the disproportion in the salaries of the officials in the two countries. To

take the case first of the higher officials. An English Chairman was paid £1,000 a-year out of the Prisons Vote under discussion, and another £1,000 a-year as Chairman of the Convict Prisons Board; whereas an Irish Chairman only got £1,200 a-year altogether. If the Irish Chairman could manage to exist on £1,200 a-year, he did not see any reason why the Englishman should not do so; he could not see any reason why the English Chairman should be paid an additional £1,000, whereas the Irish Chairman only obtained an additional £200 from the Prisons Vote. When they came to the seven Inspectors who were maintained in England, they would find that they had £700 a-year each, whereas the three Irish Inspectors only got £500 a-year each. The number of Inspectors in Ireland being less than in England they might assume that they had the same amount of work to do as those in England, and if £500 a-year was sufficient for an Irish Inspector it ought also to be sufficient for an English Inspector. He found, on looking into the Estimates, page 216, that the Governors of English prisons got an average salary in England of £710 a-year—he was speaking of the minimum salary, because they went from £710 to £2,000. On page 278 of the Estimates, he found that in Ireland the Governors of prisons were only paid from £100 to £350 a-year—an enormous disproportion, which he thought required some explanation of the Government. He found that the Deputy Governors in England received an average salary of £200 a-year; whereas the Deputy Governors in Ireland were paid from £60 to £130 a-year. Then the chaplains in England got an average salary of from £100 to £200 a-year, while the chaplains in Ireland were paid from £30 to £75 a-year in the case of Protestant chaplains; the Roman Catholic chaplains, however, in Ireland, were paid salaries averaging from £100 to £200 a-year. The same disproportion was seen in the salaries of the medical officers; and he might say that the same thing was observable in the whole list of officers from the Governors down to the lowest hewer of wood and drawer of water. He considered that if men could exist upon those salaries in Ireland they ought to do the same in England. There was a less number of officers in Ireland, because, probably, there was a less num-

Mr. O'Donnell

ber of prisons. He wished to know why the English officers received so much higher salaries than those in Ireland? And unless a reasonable explanation was given, he must move to reduce the Vote.

SIR HENRY SELWIN-IBBETSON quite admitted, that at first sight, without going into figures, it might seem necessary that some explanation should be given with regard to the disproportion between the salaries paid to the English and Irish prison officials. But the Committee should not lose sight of all the circumstances connected with this matter. In the first place, the question was very much, and very properly, influenced by the amount of work that was to be done in the different countries—by the amount of inspection, and the amount of charge which was thrown upon each individual Inspector. One very important element was the number of prisons under the eye of each Inspector, and another was the number of prisoners in each prison. The number of prisoners in England was much in excess of the number in Ireland. In the 72 prisons in England the average number of prisoners was 284, and those prisons were, for the most part, very large ones. In fact, a very much larger proportion of work was required in England, and it would seem that an Inspector had much harder work in England than in Scotland or Ireland. Then, again, the number of prisoners was 20,500 in England, as against 2,300 in Scotland, and 2,940 in Ireland. What was the case with regard to the Irish Inspectors of prisons? The first proposal made for the salaries of the Irish Inspectors of prisons was that they should receive salaries of not less than £400 a-year. That amount was the first recommendation of the Irish Government, and on their asking for an increase of that amount for the three Inspectors, the demand was at once complied with, and they now received from £500 to £600 a-year. That was the only application which had been made with regard to the salaries of those Inspectors, and it was assented to at once, and there was no reason to think that it was not very fair remuneration for the services performed. From all that he had heard, he would venture to say that the salaries that had been paid had not been objected to by the officers who had been

appointed; but, on the contrary, no complaints had been raised by any of them. When they looked to the relative remuneration of the different classes of the community in Ireland they would see that the salaries paid to the prison officials bore a very fair relation to that remuneration. He did not for a moment dispute that the remuneration that was given to the same officials in this country was greater. A medical man, however, in one country received very much greater remuneration than a medical man in the other, and the payments amongst all classes were greater in England than in Scotland and Ireland. The salaries paid were in relative proportion to the ordinary remuneration in the country; and, with regard to the amount of work done, they were fair salaries. He was sure that if the population and the number of prisoners in England, as compared with the number of prisoners in Ireland, and also the number of prisons were looked at, and the relative scale of professional remuneration in the different countries was considered, it would be found that the officials in Ireland were fairly and adequately paid.

MAJOR NOLAN said, the case was really much worse than had been stated. The Secretary to the Treasury seemed to say that, because there had been no complaint, there was no grievance; but, as a matter of fact, there were many complaints. The simple argument seemed to be that because all trades and professions in Ireland were worse paid in Ireland than they were in England, that, therefore, the servants of the Crown should also be worse paid. That was not a fair way of putting the question. If it was maintained that the Government officials in Ireland did less work than the Government officials in England, that might be a reason for paying less; but no such contention had been stated. Except in the case of the Inspectors, the Secretary to the Treasury made out no such case whatever. The true test was the cost of living, and though that certainly was cheaper at one time in Ireland than in England it was not the case now. With the exception of milk and eggs, he believed all sorts of food were quite as cheap in London as in any Irish town. Bread was probably cheaper, for they had to import a great deal of corn in Ireland, while many of the necessaries and all

the luxuries of life were much cheaper here than there. As a consequence of their smaller pay, the minor Government officials in Ireland had, without doubt, to content themselves with lower positions than their English brethren enjoyed. Amongst the higher officials, he believed, many unnecessary offices existed. The speech of the Secretary to the Treasury did not give them much hope of any improvement, for he said that, as all other classes were accustomed to receive less remuneration in Ireland than England, the rule must hold good with Government officials also. That might be an argument with some little force, if there was a notable difference between the taxation of the two countries; but, as a matter of fact, he believed Ireland was more heavily taxed than England. The Irish were a whisky-drinking people, and spirits were taxed far more heavily than beer, which was what the English people drank; while, on the other hand, the Income Tax and the tobacco duty, for instance, were the same in both countries. Under such circumstances, he certainly thought it was most unfair to treat the Irish officials worse than the English.

SIR HENRY SELWIN-IBBETSON thought his argument had been misrepresented. What he said was that the State, as an employer of labour, in the interests of the taxpayer, ought not to pay more for labour than its proper value, and that value depended upon the general remuneration of the different professions and statuses. Would any hon. Member, for instance, say that the leading medical men and barristers in Dublin made as large incomes as the leading men of those professions in London? For some reason or other there was a larger amount of service to be obtained in Ireland, and the State, therefore, need not pay so much for it as in England. No complaint, also, had been made by these officials. Not one single complaint had reached the Treasury, except that made by hon. Members that night. The argument as to the Inspectors applied also to all other cases. Where there was not the same amount of labour to perform, the salaries ought not to be so high as they were where work was heavier. He ventured to say, in no one case had there been any complaint to the Prison Commissioners.

Major Nolan

MR. CALLAN thought the hon. Gentleman could not have read the evidence before the Commission which inquired into the salaries of Civil servants three years ago.

SIR HENRY SELWIN-IBBETSON remarked that the Prison Commissioners were not appointed then.

MR. CALLAN replied, that the principles laid down then governed the Treasury now, and the objection was a technical and a puerile one. The principle then laid down was that the cost of living should regulate salaries. [Sir HENRY SELWIN-IBBETSON dissented.] That was so, notwithstanding the oracular shake of the head of the hon. Baronet. He believed that the cost of living in Ireland was quite as great as it was in England, and if they did pay a little more for their milk in London they got a superior quality. The logical sequence of the argument of the hon. Baronet was that the English officials were superior in every shape and form to the Irish officials.

MR. O'SHAUGHNESSY admitted the principle laid down by the hon. Baronet that the State ought not to pay more for its work than the market value; but he complained that a totally erroneous standard of value had been chosen. The officers and warders, on whose behalf complaint was made, were in a totally different position from medical men and barristers. Their position should have been compared with that of merchants, shopkeepers, artisans, and labourers. He would find that those classes earned little, if anything, less than men of the same class earned in England; and, therefore, the enormous difference of salary which had been pointed out certainly was not warranted. The general staff of the prisons, also, had had their duties largely increased by the consolidation of the prisons; but their salaries remained the same. These men had onerous, almost slavish, duties to perform, which made them prisoners very nearly to the same extent as those they had in charge, and they certainly were not properly remunerated for the work they had to do. He knew, in one case, that both the Governor and the doctor, when they undertook increased duties under the new Act, did so on the understanding that they would receive increased remuneration. There was much feeling on this subject in Ireland, and the House

must expect to hear of it until the salaries in the two countries were to some extent equalized.

SIR ANDREW LUSK hoped this discussion would now close, and that the Vote would be taken. For his part, he thought the Government ought to be careful how they spent the money of the country. Whenever there was a vacancy for one of these offices there were always 50 applicants, and as long as that was the case what was the good of saying any more about it? He did not want to draw invidious comparisons, or he might say something about Ireland—the police, for instance. The Government had borne a great deal of contention and contradiction, and now he thought it would be reasonable to give them the Vote.

MR. MITCHELL HENRY never listened with greater pleasure to the hon. Baronet (Sir Andrew Lusk) than when he appeared in the character of the “heavy father,” and advised them all as to what they should and should not do. He did hope, however, that the hon. Baronet would institute some of these invidious comparisons, and would call attention, for instance, to some of the Government Departments in Ireland. This question of the discrepancy in salaries was a most important one, and there could not be a more fallacious argument urged against the contention of himself and his Friends than that of the Secretary to the Treasury. They could, no doubt, get gentlemen to be Prime Minister, or Home Secretary, or even Chief Secretary for Ireland, at half the salaries paid to the present holders of those Offices. The fact was, that the salaries of the smaller officials were intentionally and designedly fixed at a lower rate than they were in England. It was especially the case in regard to lunatic asylums, as he had himself pointed out, and he was very glad that the Irish Members were at last learning to discuss the Votes systematically. For a great deal of the discussion that evening the Treasury Bench was responsible. For instance, a very interesting discussion on the incomes of professional men in Dublin and London had been started; but as he did not think that question was germane to the topic now before them he should not deal with it. It was said that these officials did not complain. No wonder; they were Conservatives, appointed by a Conservative

Government—which always managed to secure a great deal of patronage—and not one of the Irish Conservative Members was in the House to speak for them. The Irish Liberal Members were equally to blame; but, notwithstanding the small attendance, he hoped his hon. Friend would not allow the subject to drop, but would bring it forward on every one of the Estimates. The only way in which they could get justice for Ireland was by making it inconvenient for the House to do injustice to Ireland. It appeared that there were 3,000 prisoners in Ireland, some 200 or 300 less in Scotland, and about 20,000 in England. Thus Scotland, with a population only two-thirds that of Ireland, had nearly as many prisoners as Ireland, while the disproportion was still greater in the case of England. If that were so, what justification was there for the complaints constantly made of the lawlessness and disorder of the Irish people, and what excuse was there for changing their system? The Irish prisons and the Irish lunatic asylums were managed on a totally different system from the English ones; as a result, they had far less crimes and far more cures of lunatics than in England. Under such circumstances, he was justified in asking why this change had been made, and why their whole system had been altered, and why systems of torture which never existed before were now introduced? This system of paying smaller salaries in Ireland than in England was so unjust that if a compact body of Irish Members only made it inconvenient to continue it, the Government would soon discharge their consciences by doing what was right.

MR. PARNELL would certainly take a Division after the statement they had heard from the hon. Baronet. He did not think it was political economy to take the cheapest labour they could get, nor, until he heard the statement of the hon. Baronet, did he think it was English economy. He should move to reduce Item D of the Vote by £75,000, which was about the disproportion between the English and Irish salaries.

Motion made, and Question proposed,
“That the Item for Pay and Allowances of Officers, including Uniform, be reduced by the sum of £75,000.”—(*Mr. Parnell.*)

SIR JOSEPH M'KENNA hoped his hon. Friend would not divide. At the

same time, he must entirely disagree from the proposal to treat Irish and English officials differently on the score that they were to regard the scale as dependent on the labour market. The whole question was, whether the work was the same? If it was, it ought to be paid for at the same rate. There was no such thing as a labour market in regard to Public Offices. What would he said if, in the Army, the Irish soldier was paid 1*s.* and his English comrade 1*s.* 1*d.* a-day? If this discussion were taken to heart by the Government, he had great hopes that good would result from it; but he did not think it should lead to a Division on this occasion.

MAJOR NOLAN wished to point out that officers in the Army and the Navy were not paid any less when they were serving in Ireland. The argument that the Government should only pay what they could get people to do the work for was utterly fallacious. As for any appointment over £40 or £50 a-year, they would always have plenty of applicants. The Government must settle what was a fair rate of pay, and they should make no distinctions.

MR. MITCHELL HENRY said, this Amendment was moved to Item D. As a point of Order, he wished to know whether he could now move a reduction of Item A, on which Vote he wished to bring forward the question of the management of prisons and the conduct of the Chief Commissioner?

THE CHAIRMAN said, when this Motion had been disposed of, the whole Vote would be again before the Committee; but it would not be competent to the hon. Member to move a reduction of any Item previous to Item D.

Question put.

The Committee *divided*:—Ayes 24; Noes 120: Majority 96.—(Div. List, No. 111.)

Original Question again proposed.

MR. SULLIVAN thought the present a proper occasion for asking the Home Secretary, or his Representative, for some information as to the number of Catholic chaplains appointed to the prisons in this country. At an early part of the Session he had moved for a Return of the number of prisons in which there was an average of 50 Catholic prisoners and upwards during the year. He was

now very anxious to know what had been done in this matter, and felt confident that he should receive a satisfactory reply from the Government.

SIR MATTHEW WHITE RIDLEY said, although he was unable to give their number, Roman Catholic chaplains would be appointed whenever there was a sufficient number of Roman Catholic prisoners, and would be paid upon the scale recommended by the Committee which sat upon this subject four or five years ago, and every endeavour would be made to bring all the Catholic prisoners to the same gaol where practicable.

MR. SULLIVAN expressed his satisfaction at the reply of the hon. Baronet, and inquired whether the number of 50 prisoners or upwards had been taken by Government as a minimum, or what number of prisoners would be held to justify the appointment of Catholic chaplains to the prisons?

MR. ASSHETON CROSS said, that the appointment of chaplains had not been restricted to cases in which the Catholic prisoners numbered 50 and upwards. In his own county, Lancashire, the gaols had always had Roman Catholic chaplains, although the county was considered to be Protestant.

MR. MITCHELL HENRY trusted to be excused if he failed to address the Committee effectively upon a subject which was originally intended to be laid before the House by the hon. Member for Meath (Mr. Parnell), who was at that moment suffering from loss of voice. He was anxious to pass over a great many topics connected with prison management which he had expected English Members to refer to in the course of the evening. But having been connected for many years with the prisons of this country, he felt bound to take notice of some points in their management. He desired to make an appeal to the right hon. Gentleman the Home Secretary, to which he trusted a satisfactory response would be given. Now, great pains had been taken by Government with regard to prison diet, and he was bound to say that, in his opinion, the ordinary diet of the prisoners—if the food was properly cooked and of good quality, of which there sometimes appeared to be a doubt—was better than it used to be. At any rate, he did not think it would be fair to try

Sir Joseph M'Kenna

conclusions either for or against the present dietary until further experience had been gained upon the subject, although he confessed to some suspicion that it was not perfectly satisfactory. His object in rising was to bring to the notice of the Committee the scandal and shame of using starvation as a means of punishment in prisons; and, in so doing, he was compelled to call the attention of hon. Members to the case of a prisoner whose death, in his (Mr. Mitchell Henry's) opinion, was attributable to this system of punishment to which he was exposed. He was aware that, in making this statement, a portion of the Committee would be against him. At the close of last year a prisoner died in Clerkenwell Prison. He was a young man of 18 years of age, and upon whom, in accordance with the rules of the prison, an inquest was held; it was shown by the evidence that he had been for many days in solitary confinement on a diet of bread and water; the jury, which seemed to have been an inquisitive one, and not satisfied to perform their duties in a perfunctory manner, required an adjournment of the inquest, which was resumed on the 20th of November. A great deal of evidence was then taken, and the inquest was again adjourned to the 4th of December, when the Chairman of the Visiting Committee was examined, and gave a very unfavourable account of the working of the prison rules. The jury eventually returned a verdict to the effect that—

"John Nolan was found dead, or had died, in the infirmary of Coldbath Fields Prison, from the mortal effects of inflammation of the lungs; and, further, that his death was accelerated by the bread and water diet sanctioned by the Governor: the jury are of opinion that it is impossible for a medical officer properly or effectually to attend to his duties in prison without being resident: and the jury are also of opinion that the punishment of bread and water should only be administered under the supervision of the Visiting Committee."

That verdict caused a great deal of dissatisfaction in the public mind, and the Home Secretary felt it his duty to appoint a small Medical Commission to take evidence, and to ascertain whether there were any grounds for instituting further proceedings against the prison officials in whose charge the young man was during the time of his imprisonment. The Home Secretary appointed the Commission, against the construction of which no

complaint could rightly be made. This Commission came to nine separate conclusions, all of which were totally opposed to the verdict of the Coroner's jury. They found that the punishments inflicted were not excessive, whether measured by the power of the Governor to inflict them, or by the nature of the punishments themselves; that death was neither induced nor accelerated by the bread and water punishment to which the deceased was subjected; that he did not suffer injury from the plank bed; and that his death was attributable to the weather, which was quite cold enough to account for it. The Commissioners also added to their Report that they could not endorse the opinion of the Coroner's jury, that the duties of the medical officer could not be properly performed unless by a resident. He (Mr. Mitchell Henry) said, with great regret, however, that, in his opinion, it was impossible for anybody to read the evidence and come to the conclusion that this Report was supported by the evidence adduced. The circumstances of the case to which he asked the attention of the House were these. The young man in question was sentenced to three months' imprisonment with hard labour, as being a rogue and a vagabond; he had been a glass-blower, and was said to be of a sturdy and robust constitution; he was, during the course of his imprisonment, repeatedly punished by starvation. After he had been in prison for a few days he did not perform his allotted task of oakum picking, and was, accordingly, put on a diet of bread and water on the 21st and 22nd of August; after that he again failed in doing what he ought to have done, and was sentenced to further solitary confinement and bread and water diet on the 28th, 30th, and 31st August and on the 1st September. One reason for his punishment was that he had wetted his bed, and a small blister was put upon his back, as the Commissioners said, for medical purposes; but that statement he (Mr. Mitchell Henry) begged leave to doubt. The young man, who evidently in his starved condition had no power over his organs, again incurred punishment; he was taken ill and sent to the infirmary on the 3rd of September; on the 5th of that month he was discharged, and on the 7th September he again fell under the dia-

pleasure of the Governor, and was sentenced to bread and water on the 8th and 9th September. Here were seven days within the space between the 21st August and the 8th September inclusive, during which he was upon bread and water diet; he was then found to have lost 6 lbs. in weight—that was to say, one pound for every day of bread and water diet, or one-nineteenth of his whole weight. Again, on the 19th and 25th September, and on the 1st, 5th, 7th, and 10th of October, he was placed on bread and water diet, so that out of 50 days' imprisonment 13 days were passed by him on bread and water in solitary confinement. Bread and water diet meant one pound of bread and some water to support a man for 24 hours. A pound of bread was in quantity about half of a very moderate-sized loaf, and this was given to prisoners sometimes altogether, when it was greedily devoured, and sometimes in two portions. Inquiries had been made into the effects of this dreadful discipline, and some knowledge had been gained respecting it. The following accounts had been given by one of the prisoners who appeared before the Commission of 1871, and who described the effects of starvation in this way :—

“The first time you are put into a dark cell, and have nothing but this piece of bread with some water to drink; the sense of hunger is overpowering; a man presses upon his stomach, and does anything to remove the sensation of the absence of food; but after a time he tries to sleep, and then he gets sick and can hardly eat the bread given him next day, after which time he finds himself quite unable to eat it.”

That was literally and truly, and was intended to be, starvation. He did not wish to go into medical details; but everyone had some knowledge of physiology, and would remember that the food was digested by means of the gastric juice; the gastric juice being poured into the stomach by the organs, if there was no food, then would act upon the stomach and cause great inconvenience. He had shown that the young man had spent 13 days out of 50 days upon this starvation diet. Besides this, he was also put upon a plank bed, on which he slept for 16 days until the 25th October. Upon one occasion, when he came in from exercise, the warden noticed that he looked exceedingly ill, besides seeing something else which the Commissioners had not noticed—the man's trousers were

wet, or, in other words, he was not able to retain his urine. If that was not evidence of a debilitated constitution he (Mr. Mitchell Henry) did not know what was. The young man was there and then taken to the infirmary, and in five days he died of inflammation of the lungs. All those facts had been laid before the Coroner's jury, who had delivered their verdict in the terms which had been read to the Committee; but the Commissioners, who had before them the same evidence, arrived at a conclusion entirely different. They said that the debilitated tone of the deceased had had nothing to do with the inflammation of the lungs. He maintained that nobody would believe that statement. Everybody must feel that if you put a young man for 13 days upon a diet of bread and water his constitution must become debilitated; and he, therefore, challenged the Report of the Commissioners, when they said that the disease of this man's lungs was in no way accelerated or induced by the repeated punishments of bread and water which he underwent. He appealed to the Home Secretary; this system of starving prisoners was not a right one, and it was a system which, if the people of England knew it to be practised, would not be tolerated. Some other punishment must be found. If a man could not pick a certain quantity of oakum, and had besides the misfortune to soil his bed, he certainly ought not to be punished by starvation. He was bound to say that the Home Secretary had, in his opinion, supported the contention of the Governor of the prison upon the powers which he had to inflict bread and water punishment in a way not intended by the Act of Parliament. The House would recollect that when the Prisons Bill was under discussion it was determined that proper rules should be laid down for punishment, and it was enacted that the Governor of a prison should have no right to put a prisoner into the punishment cell for more than 24 hours, the intention being that no person should be placed on bread and water diet for a longer period than that named. But how did the Governors of prisons interpret that rule? They no longer put prisoners into what was called a punishment cell, but converted into a punishment cell the ordinary cell of the prisoner; they put him on bread and water for 24 hours, and, after an

Mr. Mitchell Henry

interval, they gave him another 24 hours. In this way it came about that John Nolan was, in his opinion, debilitated by being placed upon bread and water diet for 13 out of 50 days. The Chairman of the Visiting Committee had contested the reading of the rule set up by the Governor, and they both applied to the Home Secretary, who, it was to be regretted, had giving his decision against the Chairman of the Visiting Committee, saying that the Governor of this prison was quite right in acting as he had done. It was, therefore, to be concluded that Governors of prisons might convert the cells of prisoners into punishment cells, lock up their prisoners therein, and place them upon bread and water diet, until the House of Commons laid down strict rules against the practice by Act of Parliament. In another case, that of a man 26 years of age, who had been sentenced to two years' imprisonment with hard labour, was charged with committing an assault upon a warder. He was tried before Lord Coleridge, and found guilty, and the comment made by the Government organ, *The Daily Telegraph*, upon the case was, that the learned Judge and jury evidently did not believe the evidence of the warder, and that, notwithstanding the serious charges brought forward by the warder, the Judge merely sentenced the prisoner to six weeks' imprisonment; thus not adding a single day to his punishment. There had also been other cases, and he had received from one prisoner a complaint with regard to the very same warder, who was described as a most tyrannical person. This warder was concerned in the imprisonment of Nolan, and there could be little doubt that his conduct had throughout been most tyrannical. In conclusion, he would appeal to the right hon. Gentleman the Home Secretary once and for ever to put a stop to this system of starving prisoners, as it was one which the people of England would not submit to, if they were conscious of the fact that it was being pursued.

MR. ASSHETON CROSS wished, in the first place, to assure the hon. Gentleman that, so far as he was concerned, he was no advocate of starvation. He did not wish it to go forth to the public that any system of that character was carried on with his approbation; and he would deny in the most positive terms that in

regard to the matter to which the hon. Gentleman had drawn attention any alteration had been effected by the Act of 1877. Prisoners were now treated exactly as they formerly were, and he could not for one moment allow it to be supposed that there had been the slightest change made as regarded the treatment and discipline of prisoners since the passing of that Act. A good deal had been said about the confinement of men in the punishment cell. Under the Act of 1865, the Governors of prisons had the power to confine a man for 36 hours; whereas now, by the measure of 1877, the period of punishment was limited to 24 hours, which he considered to be quite long enough.

MR. PARNELL said, that Governors never made use of the power conferred upon them by the Act of 1865.

MR. ASSHETON CROSS replied, that the hon. Gentleman was quite wrong. He had greater opportunities than the hon. Member of knowing what took place on this subject, and he could assure him that representations had been made to him over and over again, by persons who had been employed in the management of gaols, to the effect that if there was a mistake in the Act of 1877, it was in the clause limiting the hours of solitary confinement which a Governor was enabled to impose. The representations made to him upon this point were that the alteration made had practically destroyed the punishment; but, notwithstanding that, he still entertained the opinion that the alteration made by the Act of 1877 was beneficial. He wished to point out that locking a man up in his ordinary cell was a very different thing from sending him to a punishment cell. In many prisons the punishment cells were dark, and some were in perfect darkness. He had done all he could to abolish the cell system entirely. But even ordinary punishment cells were very dark, and when a man was confined to them he was entirely removed from the general life of the prison. Therefore, confining a man in a punishment cell was, on account of the extreme isolation, a very severe punishment. Isolation in the dark often acted injuriously; and he had, therefore, practically prohibited the use of completely dark cells. But, still, confinement in a punishment cell, being severe from its isolation, he had objected to a

man being confined there for more than 24 hours. That had nothing, however, to do with a man being locked up in his ordinary cell for a longer period. When this question was raised, he took the best possible advice upon the subject, and he was informed that punishment cells were very different from the ordinary cells. He was satisfied upon that point, and was sure that everyone who knew anything about prisons would agree that locking a man up in his ordinary cell was very different from confining him in the separate punishment cells. The next question that had been raised was with regard to the diet of bread and water. He must again speak in the most positive terms, for he did not wish the House to be under a wrong impression in this matter. He must, in the most emphatic terms, state that, in the management of prisons from one end of England or Scotland to the other, there had not been, for a single moment, starvation, or anything like it. Nor had there been anything done which in the least degree tended to lessen the health of prisoners. No officer in any gaol in the United Kingdom would do anything which would be likely to produce starvation or diminish the health of the prisoners. The strongest regulations had been issued for the purpose of rendering it impossible for a prisoner to suffer in health from gaol discipline. First of all, by Rule 36, no punishment was to be inflicted upon any prisoner unless the surgeon should certify that such a prisoner was in a fit condition of health to undergo such punishment. They could not have a much more stringent regulation than that. Then, again, by Rule 104, the surgeon was bound to report to the Governor the case of any prisoner in bad health which he might think necessary. And if he thought the health of any prisoner was in danger from confinement, he was to inform the Governor, and the Governor was to report to the Commissioner. By Rule 106, the surgeon was to report to the Governor any case in which the discipline or treatment seemed likely to injure the health of any prisoner, and the Governor might issue such directions as the circumstances should require. He hoped that the Committee would think that nothing could be more stringent and calculated to preserve the health of prisoners than a regulation of that sort.

Mr. Ascheton Cross

He would now come to the particular case to which the hon. Member for Galway (Mr. Mitchell Henry) had referred—that of John Nolan. That case happened some time ago, and he was bound to state that steps were taken to inquire into it, and from the result of the investigations nothing more had been done. The unfortunate man, no doubt, died, and the coroner's jury found the verdict to which the hon. Gentleman had referred. If anyone would read the Paper containing the evidence taken before the coroner's jury, and the verdict, and the Correspondence between the Visiting Committee and the Home Office, they would see that it was the evidence given by Sir William White that led the jury to believe that the Visiting Committee had not so much power as they ought to have; and the jury went on to say that they thought something ought to be done. That verdict having been found, what was the course he was bound to pursue? The sole object he had in view was that the matter should be as fully investigated as possible, and the hon. Gentleman had admitted that more independent men than those who were appointed to form the Committee could not be found. They were men of the highest experience, and his instructions to them were to find out whether anything wrong had been done, and, if so, to report upon it. He might mention that the surgeon of the gaol had been about 26 or 27 years in the service, and had enjoyed the entire confidence of the Visiting Justices during all that time. What stronger guarantee could they have that no injustice should be done to any prisoner? Then, as to the Governor. He, no doubt, had been changed; but the Governor in charge at the time spoken of had been the Governor of a county gaol in the South for a long time, and was a man bearing the highest possible character. The Commissioners were appointed to inquire carefully into the whole case, and they had no possible interest but to report fully and accurately. He expressly instructed them that if they found out anything wrong they were to report it. Well, what result had the Commissioners come to in the matter? They said—

"1. That John Nolan died from inflammation of the lungs. 2. That though we have formed this opinion without the assistance which a post-

mortem examination would have rendered us, we believe it to be fully borne out by the evidence laid before us. 3. That the punishments inflicted upon Nolan were not excessive, whether measured by the power of the Governor to inflict them or of the prisoner himself to sustain them."

He did not think they could have stronger testimony than that of the Commissioners—

"That the punishments inflicted upon Nolan were not excessive, whether measured by the power of the Governor to inflict them or of the prisoner himself to sustain them."

They went on to say—

"4. That Nolan's death was neither induced nor accelerated by the repeated bread and water punishments to which he was subjected. 5. That he did not suffer any injury from the plank bed. 6. That the prisoner was treated during his fatal illness with skill, attention, and indulgence. 7. That the commencement of Nolan's fatal illness coincided in point and time with a marked fall of temperature, high winds, and extreme dampness of atmosphere, and his death with an increased general mortality from the diseases of the organs of respiration, which diseases had been progressive for several weeks. 8. That we cannot endorse the opinion of the coroner's jury that the duties of the medical officers cannot be properly performed without residence."

So far as the officers of the gaol were concerned, could they have higher testimony than was contained in that Report. He would refrain from going into further detail in the matter; but he was bound to read that part of the Report which referred to the matter in question. On page 8 of the Report, the Commissioners said—

"We will now inquire what happened to the prisoner under those two diets respectively. Nolan entered the prison 8th August, under the predecessor of the present Governor, Captain Helby, and on the 21st August was sentenced by him to two days' consecutive bread and water. On the 24th August Captain Helby took charge of the prison, and on the 25th sentenced Nolan to one day, and on the 31st to two days' bread and water. On the 3rd September Nolan was admitted to the convalescent ward for a slight cold, and discharged on the 5th. On the 7th September, two days after his discharge from the convalescent ward, Nolan again incurred two consecutive days' bread and water, and when weighed on the 14th September was found to have lost 6 lbs. in the 113 lbs., which was his weight on entering the prison. This is nearly 1-19th of his weight."

"If now we start afresh from the day of the second weighing, when Nolan was found to have lost 6 lbs., and bear in mind that he had now been for some days on the more nutritious diet to which his standing as a prisoner entitled him, and bear in mind, also, the fact that his task of work was to pick only 2 lbs. of oakum per diem,

and to keep his cell and person clean, we shall be in a condition to appreciate the following statement of facts:—

"On the 19th and 25th of September, and on the 1st, 5th, 7th, and 10th of October, Nolan was sentenced to one day's bread and water. Nolan, therefore, having, in accordance with prison rules, come into the enjoyment of the diet No. 3, *with hard labour*, and never doing any harder work than picking 2 lbs of oakum a-day; having made this change on or about the 8th September (five days before his second weighing), he is submitted to bread and water, for one day at a time, six times in the space of 21 days. If we distribute these six days' bread and water over the entire interval from the 14th September, when Nolan was weighed the second time, to 25th October, when he was taken into the infirmary, we have six days of abstinence out of 40 days in which he was upon a diet which must be pronounced extremely liberal for a lad of 18, doing no harder work (if it pleased him to do any work at all) than picking 2 lbs. of oakum per diem. If we take what may be called the effective dietary at 2½ lbs. per diem, the 1½ lbs. of food sacrificed on six occasions being 9 lbs. in all, will still leave the average daily food at the high level of more than 2½ lbs. a-day. And under this dietary Nolan regains the weight he had when he entered the prison, or, at the least, 5 lbs. out of the 6 lbs. which he was found to have lost when he was weighed on the 14th September, the beginning of the period now under consideration."

"But even this statement of facts and figures scarcely places the matter in the clearest light which can be thrown upon it; for we find that from the 10th October, when the last dietary punishment was inflicted, to 23rd October, or nearly a fortnight, Nolan was not submitted to forfeiture of his food even for a single day; and during this term he is reported to have done the easy task allotted to him, of picking 2 lbs. of oakum per diem. We are quite at a loss, then, to understand how, with so liberal a dietary and so light a labour and deductions so few and slight, the dietary punishments to which Nolan was sentenced could have accelerated his death, whether this term 'accelerated' is taken to mean the setting up of some predisposition to the disease of which Nolan died, or so impairing his strength as to render him a more easy victim to it."

He was bound to say, speaking for the officers of the gaol, they were old servants, and, according to the Report, they did nothing to injure the prisoner, but they did only their duty. Under these circumstances, what was he to do? He thought that it was a serious thing that in these gaols—although there was not under the old system—there was not a resident surgeon or assistant surgeon. He thought there ought to be, and he, accordingly, issued the necessary directions. Further, he gave instructions that whenever bread and water punishments were inflicted in the current form,

the more nutritious stirabout diet should be introduced at intervals of not less than three days. He also thought it was right that there should be a separate medical Inspector of all the gaols in England. Having appointed a certain number of medical Inspectors, he appointed a separate medical Inspector whose sole duty it was to go from gaol to gaol in order to inspect the surgeons, and see that they did their duty, and to ascertain whether the punishments or diet injured the prisoners. He might say that the reports made by that gentleman had been of the greatest possible value. With regard to the question of diet, he agreed that the result of the new system must be tested by experience. When the diet was introduced he had a report drawn up from the different prisons, and the effect was found so good that he left off having those reports made. The last report, he was happy to say, stated that, taking all the prisons together, the death-rate during the last 12 months had lessened by 2 per 1,000 from what it was before. That was most satisfactory. Taking that fact in connection with the reports which he had received, not only from the ordinary officials, but from the medical Inspector, and bearing in mind that the death-rate had so materially decreased, he thought it must be said that the result of the diet now in use was most satisfactory. Under these circumstances, he hoped that the Committee would be satisfied that there was no system of starvation going on in the gaols of this country, either in the general management of prisoners, or when they had been unfortunately condemned to punishment.

MR. HOPWOOD thought this was a matter of very grave importance, and trusted the Committee would pardon him if he said a word or two upon it. He thought that poor Nolan had not died in vain, inasmuch as his case, according to the right hon. Gentleman, had led to an improved dietary in cases of punishment—such as Nolan was subjected to—and to a more thorough inspection of prisons. He might say that he believed that Nolan's death was accelerated by the diet upon which he was put. Every now and again the public were seized with a fit of fury against criminals, and sometimes against the Poor Law, and whenever that hap-

pened, for some years, what he did not hesitate to say were the most cruel punishments, were inflicted. That system was persisted in for years, when once adopted; but the right hon. Gentleman had told them that, from the strength of his own good-heartedness, he had made alterations in it. That, certainly, showed that it was wrong; in fact, there was a danger that the limits would be reached in the experiment of whether a man could live upon a straw a-day. He had recently received a letter from a gentleman, unknown to him, who had been a surgeon in a gaol, who wrote to him strongly upon this subject; and he stated, as an official, that he felt there was a responsibility upon him, although the dietary was prescribed by the rules, and that it was, in his opinion, too meagre, especially when accompanied by severe punishments. It was perfectly dreadful, to his mind, to know that such things occurred as had been mentioned in the course of the discussion; and he must, as a Member of that House, insist on being allowed to use his own discretion in commenting upon them. Was it possible, he would ask, that anyone could seriously argue that, in the case of a man who had died of consumption, the putting him on a diet of bread and water was not likely to accelerate, and did not, as a matter of fact, accelerate his death? Who was there, among the Members of that House, who had not seen someone suffering under that dreadful disease, but seen him, at the same time, in all probability, surrounded by friends anxious to comfort him in every way, and to pour nourishment into his sinking frame, as well as by medical men, solicitous to prescribe for him some remedy, by means of which the dreadful malady might be cured or modified? But poor Nolan, on his death-bed, had had none of these advantages. Let hon. Members think for a moment of his condition, with warders, the Governor of the gaol, and the surgeon of 27 years' standing, and then ask themselves whether those men must not have seen that he had the signs that he was soon about to make his exit from this world plainly impressed upon his brow? He could not, for the life of him, understand how men could be so brutal, so deadened to every feeling of humanity, as to subject the unfortunate man in these circumstances to such treat-

ment as that which it was shown he had received. Who could wonder that the Coroner's jury had come to the mild conclusion that his death had been hastened by that treatment? And yet the officers of the gaol were to be white-washed, as if no blame were to be attributed to them! He remembered the case of a man who, in connection with some bankruptcy proceedings of a protracted nature, committed an offence, for which he was sentenced to a punishment which, he dared say, he merited. He found himself, after enjoying a position of luxury, confined within the walls of a prison, where he was visited by some of the friends of the days of his prosperity. Speaking of his condition, he said to them—"Oh, I can get on, but I want bread. The prison portion is regulated in accordance with each particular constitution, and I am dying for want of bread." Thus, a man who was once possessed of great wealth, and who had been accustomed to live in luxury, had actually been reduced to a state of starvation. He mentioned that case, because it served to illustrate the way in which the whole system of the management of our gaols was carried out. All the prison rules were framed on the Procrustean notion that the constitution of every man and woman was the same at the same or different ages, and that the quantity of food supplied to them ought to be regulated by an inflexible standard. That such had been the state of things, at all events in the past, had been admitted by the Secretary of State for the Home Department himself, because he had, in the kindness of his heart, been endeavouring to provide a remedy for it in some degree. But experience showed that cases were still again and again recurring, in which both men and women received their first *mittimus* to the grave within the walls of a prison. He would, therefore, appeal to the intelligence of the public and the compassion and good feeling of Members of that House not to rely too much upon the officialism which framed rules adapted only to the case of a person of average health and strength, and which made no allowance for the weak and the unhealthy. A man who was sentenced to undergo imprisonment for seven days and under got for breakfast daily only 8 oz. of bread. That was all—just half, he believed, of a 4 lb. loaf—[*A laugh*]

he meant to say half of a 1 lb. loaf, and he could not help thinking that hon. Members would scarcely be so ready to laugh if they were confined to that quantity of food for their morning meal. Then came dinner—and it was a mockery to call it dinner—consisting, as it did, of only a pint and a-half of "stirabout," containing 3 oz. of Indian meal and 3 oz. of oatmeal. For supper the allowance was 8 oz. of bread; and that was the scale of diet laid down for men and women, and boys of 16 years of age, with and without hard labour. The diet was the same, no matter what amount of labour a man had to go through; and that reminded him of another point on which he wished to say a few words. This poor man, who was in an advanced stage of consumption, was set to pick 3 lbs. of oakum, although it was, he believed, a pretty stiff dose for a sound man of that age to pick 1½ lbs. at a time. At all events, he had had the punishment inflicted upon him five or six times, and he was reduced to a state of great exhaustion, as anyone might perceive whose faculty of perception had not been blunted by the routine of officialism. He was not, however, disposed to make an attack on the prison authorities, while he must implore of the Committee to divest their minds of the notion that everything went on right in our gaols. The notion was a mistaken one; and to be constantly on the watch on those matters ought to be the motto of the House of Commons. He had referred to the dietary fixed for prisoners who had to undergo sentences of seven days' imprisonment and under; but when the period of imprisonment extended to one month the scale of food supplied was, daily, 6 oz. of bread and 1 pint of gruel for breakfast; for dinner on Sundays and Wednesdays, bread 6 oz., suet pudding 6 oz.; on Mondays and Fridays, bread 6 oz., potatoes 8 oz.; and on Tuesdays, Thursdays, and Saturdays, 6 oz. of bread and half-a-pint of soup. The supper consisted daily of 6 oz. of bread and 1 pint of gruel. He must say that the way in which the system was worked appeared to him to approach very much to the nature of torture, and he must congratulate the Secretary of State for the Home Department on having made alterations which would serve to make it a little more bearable. The time of the Committee could not, at all events, he

thought, be said to have been wasted in discussing the subject, and drawing the attention to it not only of the right hon. Gentleman, but of the public.

MR. ASSHETON CROSS said, he could not permit some of the observations which had just been made by the hon. and learned Member for Stockport (Mr. Hopwood) to pass unchallenged. He could not help feeling indignant, when he heard it publicly stated in that House that all prisoners were treated alike, and that one inflexible rule was applied to every case without the slightest discrimination. He was anxious that such a statement should not remain uncontradicted for a single moment.

MR. HOPWOOD said, he had referred to the system of treatment as subject to medical inspection.

MR. ASSHETON CROSS said, he would read an extract from the rules which had been laid down—

“The Secretary of State wishes especially to draw the attention of the Prison Commissioners and the medical Inspector to certain points connected with prison management, on which he entertains a very strong opinion. While, upon the one hand, he deems it, of course, essential that prison punishment should be uniform and certain, and that no imposition should be permitted to be practised by those who are in custody, yet it seems to be, on the other hand, equally clear that prison punishments and imprisonment bear unequally on particular persons. Many persons are continually coming into our gaols whose entire nervous system has been prostrated by the evil life which they have led, and are, therefore, more apt to suffer from their incarceration, and more ready to sink gradually under some form of disease or another. Some, again, who have been convicts for the first time, are more likely to feel their situation and to sink under the hardships of a prison from a feeling of shame and degradation. The Secretary of State is very anxious that all such cases should be watched at their various stages, so that the necessity of hospital treatment might, as far as possible, be prevented. As it has been said that it is better that 99 guilty persons should escape conviction rather than that one innocent person should be unjustly condemned to suffer, so it is better that almost any number of prisoners should be treated better than they deserve rather than that any one of them should die through harsh treatment.”

MR. MITCHELL HENRY: What is the date of those instructions?

MR. ASSHETON CROSS: They are contained in a letter which I gave to the medical Inspector when I appointed him, after Nolan's case; but I am not speaking for myself, but for the body of Visiting Justices who were animated by the same feelings. I will only add that

all these stories of cruelty are absolutely untrue.

SIR GEORGE CAMPBELL was quite sure that every hon. Member would be prepared to agree with the hon. Member for Galway (Mr. Mitchell Henry) that it was extremely hard that a man who had been sentenced to imprisonment should have his death hastened by the treatment to which he was subjected while in goal. But, having had a great deal to do with prisons, and having had occasion to study the subject carefully, he must say that he was very strongly of opinion that, if imprisonment was to be of any use as a deterrent from crime, such an amount of severity must be exercised as to make it disagreeable to a prisoner. That being so, some hon. Members, he thought, went too far when they argued, as he had heard them argue in that House, as if the treatment should be such as to make the position of a prisoner comfortable. He admitted that his hon. and learned Friend the Member for Stockport (Mr. Hopwood) was justified in contending that the Committee must not assume that whatever was done by the officials was, as a matter of course, right; but, on the other hand, he was disposed to think that the hon. and learned Gentleman was much too apt to arrive at the conclusion that everything which was done by officials was wrong. The case of Nolan was, no doubt, a very unhappy and unfortunate case, and the circumstances connected with it demanded careful inquiry. But, seeing that the Government had instituted such an inquiry; when men, impartial and competent, had acquitted the officials of Clerkenwell Prison of serious blame in the matter; and when the Secretary of State, as the result of the investigation, issued a warning to the officials of gaols, so as to prevent the risk of such things in the treatment of prisoners in future, the Committee would, in his opinion, scarcely be justified in any longer delaying the passing of the Vote, because of the particular case in question.

MR. MITCHELL HENRY said, the hon. Gentleman who had just sat down had spoken with respect to officials in a manner which was, no doubt, becoming in him as a former Governor of Bengal. But the hon. Gentleman was not in the House when he had referred to the case

Mr. Hopwood

of John Nolan, and he, for one, entirely objected to the doctrine that the representations made by officials were to be accepted as correct without due inquiry. He had risen, principally, however, for the purpose of pointing out to the Committee that he had made no attack on the Government, or on the prison officials. It was the system of which he complained, and to which he desired to direct the attention of the right hon. Gentleman the Secretary of State for the Home Department. Under the rules which the right hon. Gentleman had made, such a case as that of Nolan's might, he contended, over and over again occur. The right hon. Gentleman was very indignant because he had said that starvation was part of our prison discipline. But what else, he would ask, did confining a man to such a diet as a few ounces of bread and a certain quantity of water a-day mean? For his own part, he could call such a system nothing else but starvation. It was all very well for the right hon. Gentleman to read long extracts; but he had shown the Committee what had happened, and what might occur again, under the very rules with which the right hon. Gentleman seemed to be so well satisfied. A man, such as Nolan, might be subjected to a diet of bread and water for 13 days out of 50. That he maintained was not right, and completely justified him in saying that starvation was still a part of our prison system. That the right hon. Gentleman had no fault to find with the officials of a particular prison in connection with a particular case was no answer to the charge which he brought against the system. He objected to a man's being starved at all; and he would urge upon the right hon. Gentleman the propriety of issuing orders that no prisoner should be put upon a diet of bread and water for longer than one day in seven. The right hon. Gentleman had read a paragraph from the Report of the Commissioners, and, as every hon. Member was aware, it was very difficult to follow accurately the precise statements contained in a paragraph when read in that way. But the Commissioners referred to the history of a man who, having been subjected to a bread and water diet for six days, lost 6 lbs. in weight, and the Commissioners found that he died, but not as the result of starving him. In the next paragraph they showed that

with better food and a greater quantity of it he had, though subjected to hard labour, in a few days recovered 5 lbs. of the 6 lbs. he had lost. The right hon. Gentleman had issued a Circular which did him great honour; but it had only been issued within the last six weeks or two months, and why had it been issued? Because the right hon. Gentleman knew perfectly well that the statements which had been made by himself and other hon. Members had produced a strong feeling of excitement in the country, and that there was too much truth in them to admit of their being passed over in silence. He hoped that now the state of things would be better. Prisoners, he contended, ought to be allowed to have a chance of recovering if they got an attack of illness, such as inflammation of the lungs. Our prison system, as it had hitherto been carried out, was indefensible. The right hon. Gentleman knew that it was so, and he hoped, therefore, that he would charge the prison officials to be more careful in future. He could have dwelt on other points connected with the subject at greater length; but he should confine himself for the present to urging upon the right hon. Gentleman the necessity of making some alteration in the system, so far as putting prisoners on a diet of bread and water was concerned.

Mr. HIBBERT hoped that, although the Committee had been engaged in discussing the Vote for nearly five hours, they would permit him to make a few observations upon it before it was passed. The points to which he wished especially to direct his remarks was the powers to be given to the Visiting Justices. A short time ago, a conference of Visitors of gaols was held in London, and, after considerable discussion, they arrived almost unanimously at the conclusion that the powers which they possessed might with advantage be increased. His right hon. Friend the Secretary of State for the Home Department seemed inclined to consider the representations which had been made to him on the subject favourably. As things now stood, the Visitors had no power beyond that of being able to protect prisoners from injury, or of reporting the misconduct of warders, or any other matter connected with the gaols to which, in their opinion, the attention of the Secretary of State ought to be drawn. He would suggest that their

powers might be increased without interfering with their position as Visitors under the existing law. At present, for instance, all prison contracts were, he believed, made in London by the Commissioners. Now, great assistance might, he thought, be obtained from the Visiting Committee, if they were asked to give their opinion upon those contracts, each for the gaol with which it was connected. He did not mean to contend that they ought to have the power of deciding what contracts should be accepted; but he could not help thinking that, on questions relating to the supply of food and clothing, their experience might be turned to account with great advantage to the public. Contracts might be sent down to them for their consideration, or they might be asked to enter into contracts, with the provision that those contracts should be sent up to the Central Office in London for confirmation. A change of that kind would, he believed, tend to promote economy. He would also suggest that the £6,000, which were given in the shape of gratuities to prisoners, should be left to be divided by the Visitors, instead of by the Commissioners in London, as was now the case. On that point, the assistance of the Visitors might have been sought with the greatest advantage. Formerly, the Visitors had control of the prison labour; but now the materials were bought in London, the whole of the arrangements were carried on by the Central Office in London, and the Visitors had really nothing at all to do with the whole matter. They might give help there, also. Lastly, he believed his right hon. Friend did in his original Bill intend that the Visitors should have some power in the appointment of prison warders. He thought the Visitors were likely to know far better than the central officials the character of the people of the district in which the prison was situated; and, therefore, he thought the Estimates might easily be altered so as to give the Visiting Committee the power of obtaining warders, and of sending up recommendations for certain appointments to London, to be confirmed there. He did not see, indeed, why they should not have the full power given them to make these appointments, under conditions to be laid down by the Home Secretary. Unless some change were made, he was sure the Home Secretary would find

the gentlemen composing the Visiting Committees dropping off, and that they would not long consent to act as mere dummies. Then, as to prison labour, nothing was said in the Vote of the purchase of materials, and all the information given was that the receipts were expected to reach £60,000. They ought to have some statement of the amount expended in materials, and they ought also to know the actual amount received and expended last year. He hoped, also, that his right hon. Friend, in coming years, would have this Vote greatly amplified. The information as to the number of officials in each class was very meagre, and the Vote ought also to be brought forward in the usual form for England, Ireland, and Scotland. At present, it was impossible to ascertain what the system in each country cost, because the Irish prisons were mixed up with the convict system, and the Scotch with the General Prison at Perth. As far as he could make out, every prisoner in England cost about £22, in Scotland £28, and in Ireland £30; but it was impossible to make any accurate estimate of the amount.

Mr. ASSHETON CROSS said, the estimate as to the amount to be earned by prison labour was prepared in December and January, when it was impossible to give the exact figures; but these were now in preparation, and would appear in the Report of the Prison Commissioners. He would endeavour before another year, also, to communicate with the Irish and Scotch Departments, and see if some common form of keeping the accounts could not be adopted. This year it was not possible to do it. As to the expenses, as that depended upon the number of persons in a gaol, and the distance they were apart, he was afraid that the expenses would always be exactly the same. The cost of the raw material was not given, because they had followed the practice in all the convict establishments, which was to give the figures in the present way. Then, as to the Visiting Committee. Of course, as the prisons had been transferred from the local authorities to the Secretary of State, the authority must be transferred also; but there was the greatest desire on his part, and on the part of the Prison Commissioners, to retain the services of the Visiting Committee. For his part,

Mr. Mitchell Henry

he could not conceive a more honourable duty than that which they would perform, of stepping in between the prison officials and the prisoners, on the part of the public, to see that no injustice was done. As regarded the question of contracts, if his hon. Friend could show any point in which the Government were wrong it should be rectified; but it must be remembered that all articles could be bought much cheaper on a large scale than on a small one. At the same time, he might add, that in this respect, as in all others, the hints of the Visitors had been considered most carefully. In regard to clothing, he hoped before another year that they would be able to make every single article they would require in the prisons for themselves. As to gratuities, that was the only means the Commissioners had at their disposal of inducing prisoners to behave well; but he quite agreed that the money earned should be given in such a way that when the prisoner came out he could not go off at once and spend it in drink. He was quite aware that they had not yet got a perfect plan; but, after going over the whole matter very carefully, the Treasury consented to give a Supplementary Vote, in order that he might assist, as far as he could, the Discharged Prisoners' Aid Society. The Government would give them a certain sum, but would have nothing to do with the distribution of the money. That would be left entirely to the Society, aided, he hoped, by the Visiting Committee. The officials of the prisons would be entirely at their service in making reports on particular prisoners, &c.; and all that the Government required would be that, at least, an equal sum to that granted by it should be raised by local subscriptions, and that the Society should be able, if called upon, to show that the money had been properly expended. As to the appointment of warders, he offered not to give the Visiting Committee the appointment of these men, but to allow them to nominate men for the prison service, not, of course, for particular and individual prisons. It must be remembered that the prison service was now a whole, and the result of that was to give a warder much greater chances of promotion than if he were stationed in one prison, and had there to wait his turn for promotion. He thought he had now

dealt with all the points raised by his right hon. Friend.

MR. DODSON said, he was very glad to hear that the right hon. Gentleman attached so much importance to the office of the Visiting Committee. It must be remembered that the position of these gentlemen was very much changed. Formerly, the Visiting Committee was, practically, the governing body of the prison, and they were persons of weight and authority. Now they had no authority over the prison officials whatever, and the officials knew it. Further, the officials had the ear of the Prison Commissioners, and, through them, of the Home Secretary, while the Visiting Committee knew they had not the same ready means of access to the right hon. Gentleman. Not unnaturally, therefore, the Visiting Justices felt that instead of being persons with authority they were now looked upon as prying busy-bodies, and in any conflict between them and the officials or the Commissioners they would probably go to the wall. It all depended upon the light in which the Home Secretary regarded the Visiting Justices. If they found their reports readily listened to, their suggestions carried out, themselves treated as representatives of the public, and the Home Secretary ready to avail himself of their services as a check upon the prison officials, then, he had no doubt, gentlemen would be found willing and ready, as heretofore, to discharge the duty of Visiting Justices. Unless, however, the greatest care was taken by the Home Secretary to make the position of the Visiting Justices one, if not of direct authority, at any rate, one of indirect weight and importance, he would find a difficulty in discovering gentlemen to take the post.

MR. ASSHETON CROSS said, that there was one great safeguard given to the Visiting Justices. They had the absolute power, if they thought it necessary, or if they were not treated properly, of suspending the Governor of the gaol, which was a very great power to give any body of persons. He might add, that he had received a great many communications and representations from various gentlemen on Visiting Committees, and they had invariably ended by tendering him their warmest thanks for the way in which their suggestions had been received and considered.

That was what he hoped and wished always to be the case.

MR. O'CONNOR POWER was very glad that the hon. Gentleman the Member for Oldham (Mr. Hibbert) had brought forward this question about contracts, because the question was very closely allied to a subject which occupied the attention of the Committee at an earlier period of the evening. The contracts for the supply of food were most important branches of the prison arrangements, for some of the complaints against the present system were founded on the allegation that collusion existed between those who supplied the food to the prison and those who had to distribute it. So far from Nolan's case having been exaggerated, his experience of prisons led him to believe that it was not an exceptional case by any means. He well remembered when it was once his duty to visit an English prison how the Governor attempted to capture him, in a metaphorical sense, at the outset. He was marched to the kitchen—there the Governor pointed to some dishes, and stated that each of them contained a prisoner's food for the day. To that he replied that the dishes threw no light on the subject he had come to investigate. He knew what the supply of food should be; the question with him was whether the prisoner got it. "Oh!" replied the Governor, "here is the chief warder, whose business it is to see that each prisoner gets his proper amount of food." He suggested, in reply to that, that the best test of the system was a rigid inspection of the cells without any notice, and he suggested that he should be allowed to go at once into the cells where the prisoners were eating. The suggestion took the Governor rather by surprise; but he could not help himself, and a visit was paid to the cells. In the first one visited it was evident that the man had a much smaller supply of food than he had seen in the kitchen. On asking the reason, the chief warder replied that that particular prisoner belonged to a light-labour party. If a man complained of being sick, in fact, he was put on a light-labour party, and his food was reduced. What was the chance of the man getting better under such circumstances? The lessened work was set against the lessened food, and the man was left with the same chance of getting well as before. Against this Procrus-

tean system of management there was no remedy, except independent inspection. He was, therefore, very glad to hear the assurance just given by the Home Secretary to the hon. Member for Oldham (Mr. Hibbert) with reference to the Visiting Justices. He was not by any means satisfied with the way in which the Visiting Justices did their work under the old system; but they were, at all events, the only independent body of Inspectors and Overseers cognizant of what was going on. He should, therefore, be very sorry that their powers should be weakened or destroyed. The Home Secretary had read a rule which he had ordered to be circulated, which there could be no doubt was a very good rule. But, in connection therewith, he wished to mention the case of certain men whose previous life affected neither their physical nor their moral condition—he meant the Irish political prisoners, who were admitted by the Judges who tried them to be men of high moral character. These men, after being in prison, found themselves, after a few months or years, entirely broken down in their constitution. They had a right to punish a man within certain limits; but they had no right whatever to subtract in the slightest degree from the fee simple of his constitution. The State had no right to rob any man of the fee simple of his constitution; it was a great mistake to say that their prison system was now perfect. The right hon. Gentleman the Secretary of State for the Home Department had said that he had issued instructions calculated in every way to protect the health of the prisoners; but still there was a feeling that all was not as it should be. They objected to the right hon. Gentleman allowing himself to be influenced by those who were interested in the conduct of the prisons. It must strike everyone as being odd that, in the case of Nolan, all the officials came forward and said that although there was not a case against anyone, yet they must acknowledge that something very wrong had been done. This was a very important subject—it was a question of detail of the whole treatment of these prisoners, and he thought that they ought to be satisfied with the discussion that they had had that night and resume the consideration of the Vote the next day, or after the Whitsuntide Recess. He must protest against passing that Vote

Mr. Ascheton Cross

before they had had further discussion; and, therefore, he begged to move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. O'Connor Power.)*

SIR HENRY SELWIN-IBBETSON really hoped that the hon. Member was not in earnest in making his Motion. They had now had what everyone must admit to be a most unprecedented discussion, lasting nearly six hours, on a single Vote of the Civil Service Estimates. Although he quite admitted the importance of the Vote, and the extreme importance of the subject that had been brought under consideration, he did hope that the Committee, having considered the matter at length, would now pass the Vote. He appealed to the hon. Member to be satisfied with the ample-ness of the discussion, and to withdraw his Motion.

MR. RYLANDS observed, that this Vote had been very carefully and fully discussed, and he thought that next year they would be able to discuss the subject still more fully and carefully. He thought, also, that the exhaustive discussion that they had had would supply some very valuable hints to the Home Secretary in dealing with these questions; and, under the circumstances, he trusted that the hon. Member for Mayo would allow the Vote to pass, on the understanding that Progress would be immediately reported afterwards.

MR. PARNELL remarked, that he had studied the case of Nolan very carefully, and but for having lost his voice would like to make some further observations with regard to it. Did he understand the right hon. Gentleman to say that there would be a Supplemental Estimate introduced for the Prisons that Session?

MR. ASSHETON CROSS said, that it would be necessary to introduce a Supplemental Estimate for some purposes. As they had to provide compensation to some local gaols, it would be necessary to force the matter on in order to provide the requisite funds.

MR. PARNELL said, that in that case, as there would be an opportunity for raising further discussion on a very important point—namely, the repeated infliction of the punishment of solitary confinement by gaolers, when the Sup-

plementary Estimates came on, he should, therefore, recommend his hon. Friend the Member for Mayo to withdraw his Motion.

MR. O'CONNOR POWER said, that, under the circumstances, he would beg leave to withdraw his Motion. He would, however, first ask the Chairman of Ways and Means, whether they would be in Order in raising the point suggested upon the Supplemental Estimates?

THE CHAIRMAN said, that, not having the Supplemental Estimates before him, he could not inform the hon. Member what questions could be raised upon them.

Motion by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a further sum, not exceeding £1,101,400, be granted to Her Majesty, on account, for or towards defraying the Charge for the following Civil Services and Revenue Departments for the year ending on the 31st day of March 1880, viz.:—

CIVIL SERVICES.

CLASS I.—PUBLIC WORKS AND BUILDINGS.

Ireland:—	£
Public Buildings	12,000

CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

Ireland:—	£
Chief Secretary's Office, &c. ..	2,500
Charitable Donations and Bequests Office	150
Local Government Board	10,500
Public Works Office	2,500
Record Office	500

CLASS III.—LAW AND JUSTICE.

England:—	£
Reformatory and Industrial Schools, Great Britain	65,000
Broadmoor Criminal Lunatic Asylum	2,300

Scotland:—	
Lord Advocate and Criminal Proceedings	5,600
Courts of Law and Justice	5,100
Register House Departments	3,000
Prisons, Scotland	7,000

Ireland:—	
Law Charges and Criminal Prosecutions	7,000
Chancery Division, High Court of Justice	3,300

Queen's Bench, &c. Divisions, ditto ..	£ 2,300
Land Judges' Offices, ditto ..	1,000
Probate, &c. Registries, ditto ..	1,000
Court of Bankruptcy ..	900
Admiralty Court Registry ..	150
Registry of Deeds ..	1,600
Registry of Judgments ..	200
County Court Officers, &c. ..	6,400
Dublin Metropolitan Police (including Police Courts) ..	12,000
Constabulary ..	92,000
Prisons, Ireland ..	12,000
Reformatory and Industrial Schools ..	20,000
Dundrum Criminal Lunatic Asylum ..	500

CLASS IV.—EDUCATION, SCIENCE, AND ART.

England :—	£
Public Education ..	320,000
Science and Art Department ..	28,400
British Museum ..	10,000
National Gallery ..	1,500
National Portrait Gallery ..	200
Learned Societies, &c. ..	2,000
London University ..	900
Deep Sea Exploring Expedition (Report) ..	300

Scotland :—	
Public Education ..	70,000
Universities, &c. ..	-
National Gallery ..	200

Ireland :—	
Public Education ..	80,000
Endowed Schools Commissioners ..	-
National Gallery ..	200
Queen's University ..	-
Queen's Colleges ..	-
Royal Irish Academy ..	150

CLASS V.—COLONIAL, CONSULAR, AND OTHER FOREIGN SERVICES.

	£
Diplomatic Services ..	17,000
Consular Services ..	22,000
Colonies, Grants in Aid ..	4,000
Orange River Territory and St. Helena ..	200
Suez Canal (British Directors) ..	150
Suppression of the Slave Trade ..	600
Tonnage Bounties, &c. ..	1,200
Cyprus, Military Pioneer Force ..	-

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

Superannuation and Retired Allowances ..	£ 75,000
Merchant Seamen's Fund Pensions, &c. ..	2,500
Relief of Distressed British Seamen Abroad ..	2,600
Pauper Lunatics, England ..	-
Pauper Lunatics, Scotland ..	-
Pauper Lunatics, Ireland ..	20,000
Hospitals and Infirmarys, Ireland ..	3,000
Savings Banks and Friendly Societies Deficiency; ..	-

Miscellaneous Charitable and other Allowances, Great Britain ..	£ 800
Miscellaneous Charitable and other Allowances, Ireland ..	400

CLASS VII.—MISCELLANEOUS, SPECIAL, AND TEMPORARY OBJECTS.

	£
Temporary Commissions ..	4,000
Miscellaneous Expenses ..	600
Total for Civil Services ..	£944,400

REVENUE DEPARTMENTS.

	£
Customs ..	-
Inland Revenue ..	-
Post Office ..	-
Post Office Packet Service ..	64,000
Post Office Telegraphs ..	93,000

Total for Revenue Departments £157,000

Grand Total .. £1,101,400'

MR. O'CONNOR POWER said, that he had understood the Secretary to the Treasury to accede to the suggestion of the hon. Member for Burnley (Mr. Rylands), that if they allowed Vote 16 to be passed he would immediately consent to report Progress. It was asking rather too much to expect them to vote away a million of money in a breath. He begged leave to move that the Chairman do leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(Mr. O'Connor Power.)

SIR HENRY SELWIN-IBBETSON thought that the course he had taken had been assented to by hon. Members generally. It was arranged that they should be allowed to take a Vote on Account, in order to meet certain demands which it was absolutely necessary to satisfy before they separated for the Holidays. He pointed out that their only opportunity to get this Vote on Account was that evening, although he admitted that it was an unusual course to take a Vote on Account on the same night as the Civil Service Estimates. Had he not taken the Vote that evening, he should have had to prolong the Sitting till Thursday—thus shortening the Holiday. With that difficulty before him, he ventured on that occasion to take

the unusual course of asking for a Vote on Account of the Civil Service that day before they separated. He had agreed to leave out of the Vote an Item which was objected to by several hon. Members below the Gangway opposite—namely, the University Vote for Scotland. That had been struck out of the sum demanded, and was not, therefore, included in the Vote just put from the Chair.

MR. O'CONNOR POWER begged leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

House *resumed*.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again *To-morrow*, at Two of the clock.

EAST INDIA [LOAN].

Resolution [May 23] *reported*.

SIR GEORGE CAMPBELL said, that the House was very much taken by surprise in having this matter brought on at that period, as no notice whatever of the proposal to take it had been given. The Bill was not in the Paper that morning—no one knew what it meant. He had not the slightest idea that the House was to be committed to a loan of these £2,000,000, which he understood it was the proposal of this Bill to lend to India.

THE CHANCELLOR OF THE EXCHEQUER said, that the loan which they had heard mentioned was a loan of £2,000,000 by this country to India. He understood that it was the desire of the House to have the discussion upon this Bill taken in connection with the general question of Indian finance. There would be an opportunity at a later stage of the Bill of making any explanation with regard to it, and he hoped that the House would now consent to take the Report of the Committee upon it.

Resolution *agreed to*.

Bill *ordered to be brought in* by Mr. RAIKES, Mr. EDWARD STANHOPE, and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 197.]

PUBLIC HEALTH ACT (1875) AMENDMENT BILL—[BILL 33.]

(Mr. Alexander Brown, Mr. Whitwell, Mr. Ryder.)

COMMITTEE. [*Progress 7th April.*]

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to*.

Clause 3 (Powers of local authority for supply of water).

MR. A. H. BROWN moved, in page 3, at end to add—

"Nothing in this section shall empower a local authority to obtain or supply water within the limits of a Water Company or of any local authority or person empowered by Act of Parliament, or any Provisional Order confirmed by Parliament to supply water, without the consent of such Water Company or local authority or person."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Remaining clauses *agreed to*.

MR. A. H. BROWN moved, in page 5, after Clause 4, to insert the following Clauses:—

(Supply of water by Water Company under guarantee of local authority.)

"Where the district or any portion of the district of a local authority is situate within the limits of supply of any Water Company empowered by Act of Parliament or any Order confirmed by Parliament to supply water, and the Company are under an obligation to supply water therein on the terms prescribed by section thirty-five of 'The Waterworks Clauses Act, 1847,' and it appears to the local authority that the district or portion as the case may be ought to be supplied with water, and the Company as to any part of that district or portion have not obtained from the owners or occupiers of houses in that part, an agreement to the effect specified in that section, the following provisions shall have effect:—

"1. The local authority may, if they think fit, undertake in respect of that part to make good to the Company for successive years the amount, if any, by which the annual water rents from time to time received by the Company from that part fall short of a sum equal to ten per centum per annum on the cost of providing and laying down such pipes, and constructing such service reservoir, if any, as may be necessary for bringing water to and supplying that part;

"2. The Company shall, within three months after the giving of such undertaking, provide and lay down such pipes and construct such reservoir, if any, and provide in manner required by 'The Waterworks Clauses Act, 1847,' such a supply of pure and wholesome water as may be necessary for the domestic use of all the inhabitants of that part;

"3. If the Company fail within those three months to provide and lay down such pipes, or to construct such reservoir, if any, or to provide such supply of water as aforesaid, the part in respect of which the undertaking is given by the authority shall be excluded from the limits of supply of the Water Company;

"4. Any undertaking given by a local authority under this section shall be binding on the authority and their successors, and any expenses or payments incurred or made by a local authority under this section shall be deemed to be expenses incurred by them in the execution of the provisions of 'The Public Health Act, 1875,' and shall be provided for accordingly;

"5. This section shall apply to any local authority or person empowered to supply water within the district of another local authority or person as if the first-mentioned authority were a Water Company."

He hoped that the House would allow these clauses to be inserted then, in order that they should be re-printed in the Bill. There would be plenty of time for the consideration of the matter at a later stage, when the Amendments would be incorporated into the print of the Bill. He was most anxious to do nothing which would injure the rights of Water Companies; but it would be a great convenience that the Bill as a whole should be re-printed, including these clauses.

SIR HENRY HOLLAND moved to report Progress. The negotiations which the hon. Member had had with reference to these matters had signally failed, and he objected to these clauses being inserted.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Henry Holland.*)

MR. A. H. BROWN said, that, of course, if anyone objected to the insertion of the clause, he could not insist. He might, however, point out, that as the Public Health Act did not apply to the Metropolis, so this clause did not apply at all to the Metropolis. Still, as there was an objection to the Bill being re-printed in the amended form, he would agree to report Progress.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon Thursday 12th June.

Mr. A. H. Brown

EAST INDIA LOAN [CONSOLIDATED FUND].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the Commissioners of Her Majesty's Treasury to issue, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the sum of two million pounds sterling, during the year ending on the 31st day of March 1880, by way of Loan, to the Secretary of State in Council of India.

Resolution to be reported *To-morrow*, at Two of the clock.

MOTIONS.

CONVEYANCING AND LAND TRANSFER (SCOTLAND) ACT (1874) AMENDMENT

BILL.

On Motion of Mr. YEAMAN, Bill to amend "The Conveyancing and Land Transfer (Scotland) Act, 1874," ordered to be brought in by Mr. YEAMAN, Mr. BAXTER, and Dr. CAMERON.

Bill presented, and read the first time. [Bill 198.]

LORD CLERK REGISTER (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to make provision in regard to the office of Lord Clerk Register of Scotland; and for other purposes, ordered to be brought in by The LORD ADVOCATE and Mr. Secretary Cross.

Bill presented, and read the first time. [Bill 196.]

GRAND JURIES (IRELAND) BILL.

On Motion of Mr. JAMES LOWTHER, Bill to amend the Law relating to Grand Juries and Presentment Sessions in Ireland, ordered to be brought in by Mr. JAMES LOWTHER and Mr. ATTORNEY GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 199.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, 27th May, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Costs Taxation (House of Commons) * (99); Gas and Water Provisional Orders Confirmation * (101); Local Government Provisional Order (Artisans and Labourers Dwellings) * (102); Local Government Provisional Orders (Abergavenny Union, &c.) * (103); Local Government Provisional Orders (Ayagarth Union, &c.) * (104).

Second Reading—Parliamentary Burghs (Scotland)* (80); Prosecution of Offences (74).

Committee—Disqualification by Medical Relief (6).

Committee—Report—Statute Law Revision (Ireland)* (80).

Royal Assent—Consolidated Fund (No. 3) [42 *Vict.* c. 14]; Public Health (Scotland) Act, 1867, Amendment [42 *Vict.* c. 15].

PRIVATE BILLS.

Ordered, That the time for the Second Reading of any Private Bill brought from the House of Commons, limited by the Order of the 4th day of March last to the 10th day of June next, be extended to the 17th day of June next.

PRIVATE AND PROVISIONAL ORDER CONFIRMATION BILLS.

Ordered, That Standing Orders Nos. 92. and 93. be suspended; and that the time for depositing petitions praying to be heard against Private and Provisional Order Confirmation Bills, which would otherwise expire during the adjournment of the House at Whitsuntide, be extended to the first day on which the House shall sit after the recess.

SOUTH AFRICA—NATAL AND THE TRANSVAAL—APPOINTMENT OF SIR GARNET WOLSELEY AS HIGH COMMISSIONER.

QUESTIONS. OBSERVATIONS.

THE EARL OF CARNARVON: My Lords, I wish to put certain Questions to my noble Friend the Under Secretary of State for the Colonies, of which I have given him private Notice. I do not quite understand, from the explanations given last night by the noble Earl at the head of the Government, or from the statement reported as having been given by the Secretary of State in "another place," what is the precise position of Sir Garnet Wolseley towards the Lieutenant Governor of Natal and the Administrator of Affairs in the Transvaal. I would, therefore, ask my noble Friend, in the first place, Whether Sir Henry Bulwer and Colonel Lanyon have been recalled or superseded, or whether they still retain their positions in South Africa? I wish, in the second place, to know, Whether the Colony of Natal and the Province of the Transvaal will be administered as a single Colony or State, and, if so, what place will be the seat of government? Thirdly, I wish to ask my noble Friend—though this is a matter of less importance, but still one which it is desir-

able to call attention to—Whether the letters patent in the commission, which define the functions, powers, and jurisdiction of Sir Bartle Frere have been cancelled, or rather revoked, by Her Majesty's Government, in order to be issued in an amended form? Your Lordships will not forget that Sir Bartle Frere has hitherto held office, not only as Governor of the Cape, but has exercised jurisdiction over the Provinces of Natal and the Transvaal, and has exercised power as High Commissioner over the Native tribes in these particular districts. My Lords, I have no desire to raise any discussion on the subject; but, at the same time, I think it right to address myself to one point which appears to me to be of great importance. I have not a word to say against the appointment of Sir Garnet Wolseley. I have the highest opinion of him, both as a military man and a civil administrator; but I am extremely desirous that at this conjuncture Her Majesty's Government, while looking at the military aspect of affairs as a first consideration, should not close their eyes to what is almost of equal importance—namely, the civil government of those Provinces. If Sir Garnet Wolseley is called on to discharge military duties, as senior commanding officer, and take an active part in the campaign, it would be clearly impossible for him to give his attention to civil affairs. On the other hand, I think it would be very undesirable at this moment, if it could be avoided, to spare from Natal the services of a Chief of the great experience, knowledge, and clear head of Sir Henry Bulwer, and I think it would be dangerous to leave the Transvaal to the administration of any mere local subordinate official, who might be without knowledge of the temper of the population or of the antecedents or requirements of the Province. I cannot, therefore, but hope that, while Sir Garnet Wolseley has been placed in the supreme command, Her Majesty's Government will pay earnest attention to the necessity of securing the services on the spot of able and experienced officers in the Transvaal, and, if possible, also in Natal.

EARL CADOGAN: My Lords, in reply to the first Question of my noble Friend—namely, whether Sir Henry Bulwer and Colonel Lanyon have been recalled or superseded—I have to say that they

have been neither recalled nor superseded, but are retained in their present positions as Lieutenant Governor of Natal and Administrator of the Transvaal, but under Sir Garnet Wolseley, who, by his commission, becomes Governor of the two Provinces. I think this arrangement will carry out the views of my noble Friend. His second Question is, whether the Colony of Natal and the Province of the Transvaal will be administered as a single Colony? No; those two Colonies will remain in their present state. In reply to his third Question—whether Sir Bartle Frere's Commission has been cancelled for the purpose of being re-issued in an amended form—I have to say that Sir Bartle Frere's commission has not been cancelled. It will be kept in full force, except in those districts over which by his commission Sir Garnet Wolseley would have jurisdiction. All this, and further information, will be found in the Papers which I laid on the Table yesterday, and which, I trust, will be in the hands of your Lordships within a day or two.

THE EARL OF KIMBERLEY: May I ask the noble Earl, Whether the Papers to which he alludes will contain the Instructions to Sir Garnet Wolseley?

EARL CADOGAN: No; the Instructions given to Sir Garnet Wolseley are not included in these Papers for a reason stated in "another place" by the Secretary of State—namely, it was thought that if those Instructions were made public, either in this or in the other House of Parliament, they would be telegraphed to the Cape, and would reach the Cape before the officer who is to carry them out would have arrived at the Colony.

WEST DONEGAL RAILWAY BILL. [H.L.]
COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into Committee."

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he thought it would be convenient if he explained why he had adopted the course of referring this unopposed Bill to a Committee of the Whole House. Their Lordships would, no doubt, remember

that the Bill stood in a very peculiar situation for some time. It was an unopposed Bill, and as such had come before the Committee over which he presided, and had also been made the subject of a Resolution of their Lordships' House with regard to the adoption of the narrow-gauge principle in Ireland. The Resolution which had been come to by the House was that they should have a Report from the Board of Trade on the subject of the Bill. There had, accordingly, been a Report made by the Board of Trade; but he was sorry to say that the Report of the Board of Trade appeared to him to be exceedingly unsatisfactory. The engineer of the company had been examined, and, of course, gave strong evidence in favour of the Bill, and gave some reasons why the line should be constructed on the narrow gauge. But the Board of Trade had not inquired into some matters which appeared to him (the Earl of Redesdale) to be of very great importance in coming to the conclusion to sanction a railway on a less than the standard gauge. For instance, the engineer said in his evidence that dangerous gradients ought to be avoided; but no questions were put to him as to where the gradients might not be modified. He considered this matter was an extremely important element in such an application. Then, again, it was an extremely important matter to inquire whether a company applying for power to construct a narrow-gauge line should not be compelled to take sufficient land to construct the line on the standard gauge, if it was afterwards found desirable; but no such questions had been put to the engineer. Their Lordships must bear in mind that in Ireland a great deal of evil had arisen from the construction of very small railways; but the evil had been greatly reduced by the amalgamation of the smaller lines into the larger ones. With regard to the present Bill, the existing railway of 12½ miles was constructed on the broad gauge, and it was proposed to make 15 miles, or thereabouts, on a different gauge. If that were sanctioned, it must necessarily interfere with any proposals of amalgamation with another line. All these matters were really very serious; and it was also important to point out that this railway did not, as it had been stated, receive very general approval throughout the country. He had looked

Earl Cadogan

at the Returns; and he found that out of the owners five assented, one dissented, five were neutral—and one of those, who was the most important, as the line went through a very large extent of his property, had since expressed to him his dissent—and nine gave no answer at all. Of the lessees, seven assented, eight dissented, one was neutral, and three sent no answer at all. Of the occupiers, 28 assented, 27 dissented, 33 were neutral, and 12 gave no answer at all. That was the state of feeling in the district through which the railway was to pass. As, however, the Report of the Board of Trade recommended that the line proposed should be made, he did not wish to offer any opposition to the Bill, especially after the Resolution of their Lordships to which he had referred; but he, nevertheless, still continued to think that such lines were not advisable. In this case, there had been no examination made on the spot by any officer of the Board of Trade; and, therefore, he had thought it his duty, in all the circumstances, to refer the Bill to a Committee of the Whole House. He desired to say a few words with regard to another Bill which came before him as Chairman of the Committee on Unopposed Bills, and with regard to which he believed that the course he had adopted had been misunderstood. The Letterkenny Bill did not stand in the same position. That railway had been granted on the standard gauge, and it was proposed to be converted into a narrow gauge. There was no difficulty in constructing it on the standard gauge, for which almost all the land required was already purchased, and as the promoters had got an Act last year for an extension of time, without asking for more capital or change of gauge, they must then have thought it would be remunerative if so constructed, and, therefore, he did not feel justified in passing the Bill.

THE LORD CHANCELLOR said, he was glad that his noble Friend (the Chairman of Committees) had taken the course of referring the Bill to a Committee of the Whole House; because, as he understood his noble Friend's view, if he had not done so, it must have shared the fate of the Letterkenny Railway Bill. His noble Friend had referred to the Letterkenny Railway Bill, and their Lordships would remember that

on a former occasion his noble Friend had reported that, in his opinion, or, rather, that in the opinion of the Committee over which his noble Friend presided, that Bill should not be proceeded with. The House on that occasion arrived at the conclusion that it was desirable that the authority of his noble Friend as guardian of the Private Business should be maintained; and he was bound to say, as his noble Friend still seemed to wish to convert their Lordships to his opinion, that he had heard nothing to convince him that his noble Friend's decision was wrong. On the contrary, he believed the decision that had been arrived at was a right decision. The proposal which their Lordships determined was that narrow-gauge railways ought to be sanctioned where railways on the national gauge would either be impossible in construction, or unremunerative. With regard to the Letterkenny Railway, his noble Friend said it was not impossible to construct it on the national gauge, because they had the land taken, and that there was no difficulty about the levels. That was quite true, and, therefore, that part of the case failed. But what about the other case? Would it have been remunerative? His noble Friend thought it would, because the Company had the power to raise an amount of capital which would have been sufficient to make a broad gauge. But there was one statement in Colonel Yolland's Report which his noble Friend had entirely overlooked, and which he (the Lord Chancellor) took to be the key of the whole Report to the Board of Trade. Colonel Yolland said the question referred to the Board of Trade seemed to be—should there or should there not be a railway? And from the evidence placed before them, Colonel Yolland concluded that there was no prospect of raising the money for making the line on the standard gauge; and, therefore, under the circumstances, Colonel Yolland concluded that the construction of a narrow-gauge railway would be beneficial to the district. That really seemed to be the key to the whole matter. No doubt, it would be much better to have a railway on the standard gauge, if it were possible, and their Lordships had affirmed that principle by a Resolution of the House; but when it was not possible it was better to have a narrow-gauge

railway than no railway at all. With regard to the present Bill, his noble Friend had spoken with regard to the Report of the Board of Trade, and had said that there had been no investigation on the spot. That was not what could be expected, seeing that the officers of the Board had the surveys before them, and upon that point he did not see that any exception should have been taken by his noble Friend. He trusted that their Lordships would have no difficulty in coming to a conclusion on the matter.

LORD WAVENEY supported the Bill; but, at the same time, he thought it very desirable that the investigations should be made in Ireland, where the truth as to any point could be more easily ascertained.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, in the Letterkenny case the money powers of the Company were ample. There had been £80,000 expended on the line already, and of the £100,000 they had at command to complete it, the first £50,000 was to have a preferential dividend, and the next £35,000 was guaranteed.

Motion agreed to.

House in Committee accordingly.

THE EARL OF KIMBERLEY said, in the Board of Trade Report, Colonel Yolland stated that the speed should be limited to 25 miles an hour. He asked whether the noble Viscount (Viscount Lifford) would insert some Amendment in the Bill to that effect?

VISCOUNT LIFFORD said, he did not intend to propose any Amendment.

Amendments made: the Report thereof to be received on *Thursday* next.

PROSECUTION OF OFFENCES BILL.

(*The Lord Chancellor.*)

(NO. 74.) SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, said, it had already received the sanction of the other House of Parliament. Its object was to give effect to the recommendation of a Commission appointed last year to consider the subject, and to establish a Public

Prosecutor. It was the opinion of those most conversant with the subject that in the administration of our Criminal Law there was no necessity for a general and thorough change; but some of the most eminent of the witnesses—including the Lord Chief Justice and others—examined by the Commission thought that some change was required; and that, although the system worked generally well, there were frequently cases in which offenders escaped justice owing to the disinclination of individuals to take up the prosecution. The object of this Bill was to meet those exceptional cases—such as large commercial frauds, in which private persons could not be expected to undertake the expense of prosecutions. In order to effect that, the Bill proposed that the Secretary of State should appoint an officer who would be called the Director of Public Prosecutions, and who would have the status of a permanent Under Secretary of State. It would be the duty of the latter, under the Secretary of State and the Attorney General, to carry out prosecutions undertaken by the Government. It was proposed that the Metropolis should be under his direct control, and that the Provinces should be mapped out into certain districts, each having an officer under the Director in London. The proposals of the Bill were rather intended to meet exceptional cases than to disturb the general system at present prevailing; and regulations would be made by the Attorney General, with the approval of the Secretary of State, as to the exceptional cases in which prosecutions would be undertaken, and as to the mode in which the Director of Public Prosecutions would give advice. Solicitors would be appointed for the Assizes, and there would be a staff in the Director's Department, the number of which would depend on the work to be done. It would not be large at first. For the first time, the Law Officers would have an Office in London, and there would be a continuity of rules in their Department. The noble and learned Earl concluded by moving the second reading.

Moved, "That the Bill be now read 2^d."
—(*The Lord Chancellor.*)

LORD ABERDARE said, though the Bill fell far short of what had long been called for by those who were in favour

The Lord Chancellor

of a Public Prosecutor, he approved of it, as he thought it would be useful in its operation by having a tendency to prevent the scandals which now occasionally arose. During the time he was responsible for the discharge of the duties of Home Secretary, he found by his official experience that there were many defects in the existing system of criminal administration; but there was no part of it with which there was so much dissatisfaction as the very large powers exercised by the Home Secretary. A large part of these cases arose from the imperfect inquiry as to the antecedents of the prisoner, with respect to whom, after his trial and conviction, facts often transpired which ought to have been known to the Judge and Jury at the time of the trial. From Scotland, where such inquiries were carefully made, there was not only a larger proportion of convictions to prosecutions than in England, but a far smaller relative number of appeals to the interference of the Home Secretary. The necessity of careful examination when the case was in progress was proved when, after sentence, the Secretary of State was called on to make fresh inquiries. If every case were, in the first instance, fully investigated, there would be less necessity than now for the exercise of the power vested in the Home Secretary; but its exercise was at times necessary because of the discovery of important evidence after the trial. In his own experience, a man killed another apparently without cause. He was found lying by the side of the murdered man, whom he had not robbed. He was tried, convicted, and sentenced to death, and it was only after his sentence that, local inquiries having been made, it was discovered that he suffered from epileptic fits, and that when labouring under them he was dangerous to those who approached him, so much so, that his fellow-colliers had pressed the manager of the mine in which he was employed not to allow him to work with them. In Scotland, in such a case, all the antecedents of the prisoner would have been fully inquired into before the trial, and the Home Secretary would not have been obliged to have recourse to irregular means to discover what the facts of the case were. The Bill, in his opinion, would bring about a change which would be acceptable to the country.

LORD STANLEY OF ALDERLEY disapproved of the principle of the Bill, and said, that it was admitted that the present system worked well in criminal prosecutions. At present, the reputation of the Attorney General, or of other lawyers instructed by the Solicitor for the Treasury, was as much founded on defences as on prosecutions, and they could afford to be fair, and not to stretch points unduly; but the reputation of these new Public Prosecutors would entirely depend upon the number of convictions they obtained, and it was impossible that they should not be biassed by that.

Motion *agreed to*; Bill read 2^d accordingly, and *committed* to a Committee of the Whole House on *Friday* next.

DISQUALIFICATION BY MEDICAL RELIEF BILL.—(No. 6.)

(*The Lord Aberdare.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

House in Committee accordingly.

THE DUKE OF RICHMOND AND GORDON said, that by the Bill, as it originally stood, no one would be disqualified by the receipt of parochial relief in certain cases from exercising the franchise. The question had been considered, and it appeared that the only relaxation of the Poor Law of 1835 was that by the Statute 25 & 26 *Vict.* c. 83, s. 6, an Act applying solely to Ireland. This provision he proposed to adopt in the Bill. Under the Act in question a person who had obtained medical relief in a Union fever hospital could ask to re-pay the Guardians the cost of that relief, and, if he did so, the fact of his having received it did not deprive him of electoral rights. The noble Duke concluded by moving the Amendment of which he had given Notice, as follows:—

In Clause 1, page 1, line 9, after ("family") leave out to the end of the clause and insert ("has before or after the passing of this Act received relief and medical treatment as an in-patient of any hospital or infirmary maintained under the laws for the relief of the poor in consequence of such patient suffering from any dangerous disease, provided such person shall have repaid or tendered to the authority of such

hospital or infirmary the cost of the in-maintenance therein of himself and any member of his family as aforesaid, such cost to be determined according to the average of the cost of in-maintenance in such hospital or infirmary during the half-year preceding the admission of the patient.

"The expression 'cost of in-maintenance' in this section shall be deemed to include the expense in and about the maintenance, treatment, and relief of the in-patients of the hospital or infirmary, exclusive of the repairs and furniture thereof, and the salaries, remuneration, and rations of the officers and servants, but inclusive of the necessary expenses incurred in the warming, cleaning, and lighting of the building, and otherwise keeping it fit for use.")

LORD ABERDARE said, that he had a sincere desire that there should be no improper exercise of the franchise where persons received poor relief. But this was a different matter. It was of the greatest importance for the purpose of preventing the spreading of infectious diseases that persons should not be deterred from accepting the benefits of hospital relief through the fear of losing their electoral privileges. Persons had been, upon the authority of medical officers, persuaded to enter hospitals where they had been maintained under the Poor Law, and, as a consequence, they had been disqualified from voting. That had occurred in several cases, and this Bill was intended to prevent disqualification in future where medical relief only was given. The Bill, as it came from the other House, was defective, and ought not to have been passed in its present shape without some notice from the Government. At present there were two forms of public hospitals, both maintained out of the public rates, one under the sanitary authority, and the other under the Poor Law Guardians. The acceptance of medical relief under the former did not disqualify, but under the other it did; and that was very inconsistent, there being really no substantial distinction in the relief given, nor in the fund out of which that relief was paid for. What he proposed was, that the matter should be left in the hands of the Guardians, and if they found that a man who accepted the benefits of a Poor Law hospital could not pay for his maintenance, he should not be disenfranchised. With that view, he should propose the insertion, in line 7, after "infirmary," of the words "on demand," in the proposed Amendment.

The Duke of Richmond and Gordon

THE DUKE OF RICHMOND AND GORDON said, that if the Amendment were agreed to, and the words "on demand" were inserted, Boards of Guardians would be brought into connection with political questions for the first time since 1832. To his mind, that appeared to be very undesirable; and as he could not find out that there was any great demand from the public for the proposal of the noble Lord he should, therefore, oppose it.

EARL FORTESCUE said, that he quite agreed that if persons sought relief in hospitals they should pay for their maintenance during their illness, or be disqualified from voting. By agreeing to such legislation as had been proposed, they were more and more in danger of pauperizing the population. The Bill was to exempt persons from being paupers, while, in fact, they were receiving relief from the rates. He felt grateful to the noble Duke the Lord President for having made a stand against this Bill, and agreed with him that there would be great danger if they introduced this new element of politics into the Boards of Guardians.

EARL STANHOPE would remind the Committee that all fever hospitals in the Metropolis were under the Poor Laws. If the exception proposed by the Bill were adopted, it would be impossible to draw a line between those who were, or were not, actual paupers. The Amendment of the noble Duke would, however, make a great difference between medical relief and ordinary Poor Law relief, and would maintain the existing principle of the Poor Law. He hoped that the Amendment proposed by the Lord President of the Council would be accepted.

LORD ABERDARE said, he would withdraw his Amendment.

Amendment (*The Lord Aberdare*) (by leave of the Committee) *withdrawn*.

LORD DENMAN ventured to think that neither proposed Amendment would be an improvement of the Bill.

Amendment (*The Lord President of Council*) *agreed to*.

Other Amendments made: The Report thereof to be received on *Thursday* next.

THE ADMINISTRATOR OF THE STRAITS SETTLEMENTS—THE SULTAN OF JOHOR.

OBSERVATIONS. QUESTIONS.

MOTION FOR PAPERS.

LORD STANLEY OF ALDERLEY rose to call the attention of the House to the action of the Administrator of the Straits Settlements with respect to Muar, and to ask Her Majesty's Government not to uphold this action; and to ask the Under Secretary of State for the Colonies, Whether the Maharaja of Johor continues to make his accustomed payment to the heir of Sultan Aly, late Sultan of Johor? and to move for Papers. The noble Lord said: Although this case is one of the blackest of those which have occurred in the Malay Peninsula, I shall not detain your Lordships long, because I have nothing to complain of in the conduct either of the late or of the present Secretary of State for the Colonies, and because all the details of this affair are stated in a pamphlet published at Singapore, under the title of *Punic Faith*, which requires an answer from the noble Earl the Under Secretary of State much more than my speech. Muar is a small State which belongs to the Sultan of Johor. The Sultans of Johor had become indolent and had allowed their power to fall into the hands of their Ministers, and the late Sultan, Sultan Aly, had, besides, fallen into pecuniary difficulties, and in 1855 he made a Treaty with his Minister, the Tumonggong, by which he made over to him the Rulership of Johor for a sum of \$5,000 and a monthly payment for ever of \$500, reserving only for himself the Sovereignty of Muar. This Treaty was negotiated, arranged, and drawn up by British Government officials, and it was attested by the Governor. Sultan Aly was also in the receipt of a small pension from the British Government. In June, 1877, he died, and his son, Tunku Alum, announced his death to the Administrator of the Straits Government and expected to succeed his father. A younger brother of his, however, put in a claim to succeed, on the plea of having been designated by his father as successor, as asserted by this young man's mother. It is not clear that the Straits Government had any right to meddle between claimants, whose claims were right-

fully to be settled by the inhabitants of Muar; but the Straits Government suggested to the Maharaja of Johor, who is the son of the Tumonggong with whom the late Sultan Aly made his arrangement in 1855, that he should assume the guardianship of the Muar State, although it was known that he was claiming to become its Ruler in spite of the Treaty of 1855, which our authorities were pledged to uphold from the active part which they had taken in its negotiation. The Maharaja, thus encouraged by the Straits Government Administrator, proceeded to insure his election by kidnapping several of the Muar headmen and detaining them in Johor; other headmen were canvassed, and pressure put upon them by the Straits officials, both at Malacca and Singapore. I abstain from troubling your Lordships with many details which aggravate this case, because they are stated in the pamphlet *Punic Faith*, and because the case is sufficiently stated and set forth in the despatches of the late Secretary of State for the Colonies. The late Secretary of State wrote on the 3rd of September, 1877, to the officer administering the Government as follows:—

"I do not object to the course which I understand you have taken in requesting the Maharaja of Johor, as a temporary measure and pending the settlement of the succession, to undertake the guardianship of this small State, as I gather that some such control is necessary; but the nature of the arrangement should be distinctly understood by all parties, and, above all, there should be no ground for misapprehension on the part of the Chiefs and Native population. The good services of the Maharaja of Johor have been frequently experienced and recognized by Her Majesty's Government; but I am not prepared, with the information I at present possess, to express any opinion respecting this disputed succession; but in making choice of one of the claimants, due attention should be paid to the custom of the country and the wishes of the people, as it would manifestly be impossible, in order to reward political services, however meritorious they may have been, to impose any Ruler upon the inhabitants of this territory against their wishes. When the choice has been ultimately made and agreed to, the new Sultan should be informed that the recognition he will receive from Her Majesty's Government will depend upon his personal merits and the character of his administration, and that as long as he governs his people properly that recognition will be maintained."

I would observe that this last paragraph goes beyond the powers belonging to the British Government. In another despatch, the late Secretary of State wrote—

Re-
sday

"(4.) If these letters express their real wishes, the fact is important. But I observe that they were summoned to Government House at Singapore, and it must, therefore, be borne in mind that it would be in accordance with Malay character, in their circumstances, if they merely put their signatures to a document which at the moment would be agreeable to, and in accordance with, the wishes of the Colonial Government, by whom they had been summoned to discuss the question. (5.) It is stated in a Colonial newspaper that the Tumonggong had been forcibly arrested and taken to Johor. I presume, however, that this is not true. . . . (8.) These are the points that, as far as I understand this case, seem to call for the most serious consideration, and I trust that they will not have escaped your attention; but the whole question is one in which care and watchfulness are necessary, and where any ill-advised step on the part of the Colonial Government might easily lead to grave difficulties. (9.) I am fully alive to the fact that a good settled Government in Muar is greatly to be desired, and I presume that, for administrative and general ability, no Native Ruler can compare with the Maharaja of Johor; but these advantages must not be purchased at the expense of setting aside whosoever may be the rightful heir and the Ruler acceptable to the people."

Reference is here made to the political services of the Maharaja of Johor, and it would not weaken the arguments of the noble Earl nor my own case, if these had been of the most honourable character. But, as a matter of fact, they consisted in treacherously entrapping Maharaja Lela, and handing him over to execution by the Straits Government, in violation of his word and of the duties of hospitality. They were services that would have been more fitly recompensed by giving him 30 pieces of silver out of the Treasury. It may be said, in excuse for the Maharaja of Johor, that he did not anticipate his handing over Maharaja Lela to the Straits Government would lead to his death, although the temper of the Colonists at that time was so bloodthirsty that they were clamouring for the execution of Sultan Ismail, the *de jure* Ruler of Perak; and Sultan Ismail might have perished had not the noble Earl interposed by recommending more just and moderate counsels to Sir William Jervois. It is only doing justice to the noble Earl to say that the country is under great obligation to him for saving it from what would have been a great blot and a crime if Sultan Ismail had been put to death. I cannot give your Lordships the reference to the Blue Book; but my noble Friend will no doubt recollect writing these words to Sir William Jervois—

Lord Stanley of Alderley

"Forbear, dear friend, we will not shed more blood,
Enough, more than enough, of woe is wrought;
And sad the harvest which our hands must reap."

I have already said that I am entirely satisfied with the view of this case taken by my noble Friend the late Secretary of State; but, as on two occasions my noble Friend has informed the House that I have taken exception to everything he has done, I feel that I should be disappointing him if I did not now take some exception to the letter whilst approving the spirit of these despatches; and I must regret that they are not worded in more precise and decided language. The amiable unwillingness of my noble Friend to risk hurting the feelings of Colonial officials leads him to give them hints which they do not follow, instead of reprimanding them when necessary to prevent them from entering crooked paths, such as they have now followed; and though the present Secretary of State (Sir Michael Hicks-Beach) has expressed himself more strongly than my noble Friend, yet he also failed to convey his meaning and his sense of right to the Colonial officials. Sir Michael Hicks-Beach wrote to the Governor of the Straits on April 20, 1878—

"After reading your despatch, I cannot but observe that the candidature of the Maharajah of Johor had the appearance of being favoured from the commencement by the Straits Government, while under the acting administration of the Lieutenant Governor; and I am disposed to think that it would have been better not to have invited the Chiefs to Government House at Singapore to discuss the subject, as I should have preferred the observance of complete neutrality in the smallest detail; and for the same reason, if practicable, it would have been better if the regency of the little State had been placed, pending the election, in other hands than those of the powerful candidate for the right of succession."

Further on, Sir Michael Hicks-Beach says—

"He has no option 'but to acquiesce in what I trust is the true choice of the people of Muar.'"

Thus showing that he doubted where he ought to have been certain. This doubt, however, must have been dispelled by the recent arrival at Singapore of crowds of Muar men to do homage to Sultan Alum as their rightful Lord, and by the Muar men obeying the notice of Sultan Alum not to pay the tithes levied upon them by the Maharaja of Johor. It is

difficult to catch that fleeting and evanescent moment at which representations may be made to Government; when they are not said to be premature, or when they are not treated as too late, as the affair has become a matter of history. Last year, I might have been told that the election was the true expression of the wishes of the people of Muar; but, quite lately, this has been shown not to be the fact. It is only in February of this year that the Straits Government has published in its *Gazette* a proclamation by the Minister of the Maharaja of Johor, stating that he has been elected Ruler of Muar, and that the election has been acquiesced in and recognized by the Queen of Great Britain and Empress of India; so that the Colonial authorities have implicated England in this affair and in its consequences, should troubles and bloodshed result from it. Looking, therefore, at the circumstances that the people of Muar did not acquiesce in the rule of the Maharaja of Johor, and to the hesitating and unconvinced language of the Secretary of State for the Colonies (Sir Michael Hicks-Beach); and considering that two Members of the Legislative Council of Singapore moved a Vote of Censure against the Straits Government, which was only evaded by the Governor stating that the matter was in the hands of the Secretary of State; considering that all the local Straits Press has blamed the action of the Straits Government, and that the same line has been taken by *The London and China Telegraph*, the London organ of the merchants in China and the Straits—there is not time now to read to your Lordships what it says, but it urges that the British Empire is powerful enough to acknowledge a mistake—I ask the Government not to uphold and confirm the action of the Straits Government in this matter. In other cases where injustice has been done, there were motives of interest, commercial or others, to explain them. Here there is no such case; the giving Muar to Johor would not benefit English trade in any way. I now have to ask the Question of which I have given Notice, and to ask, Whether, in addition to what may be called the public wrong done by the Maharaja of Johor and the Straits Government to the people of Muar and to their rightful Sovereign, a private wrong has been done by the Maharaja of Johor

ceasing to make his monthly payment of \$500, under the Treaty of 1855, to Tunku Alum, the heir and successor of Sultan Aly? Because the pamphlet which I have before referred to contains hints that the Maharaja of Johor contemplated escaping from this obligation on the plea that he had become the heir and successor of the late Sultan Aly. Such a scheme on the part of the Maharaja is too iniquitous to be thought possible, nor should I think it necessary to ask a Question about it were it not for the Maharaja of Johor's own words in a letter to the Administrator of the Straits Government. I conclude by moving for the Treaty of 1855 and the Correspondence respecting the Muar State since the death of Sultan Aly.

Moved, "That an humble address be presented to Her Majesty for, Copy of the Treaty of 1855 between the Sultan of Johor and his Tumonggong, and for the correspondence respecting Muar since the death of the late Sultan of Johor."—(*The Lord Stanley of Alderley.*)

EARL CADOGAN said, he would answer the remarks of the noble Lord (Lord Stanley of Alderley) from the official information at his disposal. It was quite true, as the noble Lord had stated, that Colonel Anson suggested that the Maharaja of Johor should become temporary Governor of Muar on the death of the late Sultan of Johor. The late Sultan died without having nominated a successor in the customary manner. The Throne was left by will to the son of his favourite wife—a boy 11 years old. The will, however, appeared to be invalid, as the boy had not been properly adopted before the Chiefs, and that circumstance appeared to have added to the elements of dissension and general dissatisfaction that existed in the little State. Upon this, Colonel Anson felt it his duty, in order to preserve peace, to institute the Maharaja of Johor as temporary Governor until the succession should be arranged. The Leaders of the State, it was true, were then invited to Singapore, not with any view to intimidation, but in order that proceedings should be taken for the election of the Sovereign. These Leaders were told that the election should be made in accordance with the custom of the country, and that no pressure was to be put upon them in their selection of a candidate. The

result of the election was that the Maharaja of Johor was unanimously chosen. The noble Lord had asked that that action should not be upheld; but he (Earl Cadogan) would point out to the noble Lord that, the election having taken place, and having been made under conditions of perfect freedom, and without the exertion of any undue pressure, it would be very difficult, if not impossible, for the Government to say that it should be upset, and that some other person should be elected. The Government had no wish to interfere further than was absolutely necessary in the internal affairs of this small State. All they wished to do was to see that peace was preserved; and as they had selected their Sovereign, who, so far as it was known, was a very good and intelligent man, the Government had no intention to take any steps to alter the election. It was quite true that, under the Treaty of 1855, the Maharaja of Johor, in consideration of the government which was vested in him, was to pay down \$5,000 and \$500 a-month afterwards, and, at the suggestion of Sir William Robinson, who went out in 1877, and felt that the family of the late Sultan might consider themselves ill-used by the turn affairs had taken, the Maharaja of Johor decided upon a second monthly payment of \$725; but the family of the late Sultan declined to receive this, and the money was, therefore, paid into the Treasury at Singapore, where it would remain until the family should come to a more sensible determination. There was not the least objection to the production of the Papers for which the noble Lord asked.

THE EARL OF CARNARVON said, that he did not see how, under the circumstances, it was possible to recall the recognition that had been given by the Colonial Office to the election of the present Maharaja of Johor. He, therefore, fully approved of what had been said by his noble Friend (Earl Cadogan). By the will left by Sultan Aly, the son of his favourite wife was designated as his heir. That, however, was an invalid proceeding, as the Sultan should have called together a Council of the Chiefs and declared his pleasure with regard to his successor before them. As the Sultan did not take that course, his youthful son, by Malay custom, possessed no rightful claim to the Throne.

Earl Cadogan

Hearing that matters were in a very precarious, if not a dangerous state at Muar, the Administrator of the Straits Settlement (Colonel Anson) thought it his duty to apply to the Maharaja of Johor to take temporary charge of that little Province. That determination was reported home, and after some considerable consideration agreed to by himself (the Earl of Carnarvon), who at that time directed the Colonial affairs of the country. He agreed to that course mainly for two reasons—first, because he thought it would be dangerous to reverse the decision of Colonel Anson; and secondly, because he felt that the great danger which he had to guard against at that time was any intervention which would result in the annexation of the Province in question. Many of their Lordships were aware how very hard a fight was waged at that time in order to prevent the annexation of a very large part of the Peninsula itself. The local feeling was very strong, and the Governor had unfortunately committed himself to a policy of annexation. It was for these reasons that he had sanctioned the arrangement of Colonel Anson. But anyone who would refer to his (the Earl of Carnarvon's) despatches of that time would see that he agreed to it only as a temporary and provisional measure, which was to have no effect until the feeling of the country had been ascertained. The despatch containing these views was written in September, 1877, and in 1878 he resigned the Seals of Office. Two or three months then elapsed in which no action was taken by the present Colonial Secretary, and in this interval an election was made which, he apprehended, was a proper and regular one. The Chiefs were summoned and unanimously agreed that the Maharaja of Johor should be confirmed in the Sovereignty of the Province. The whole question turned upon the spontaneity of this expression of opinion by the Chiefs, and, as far as he could understand, there could be no doubt whatever that the Chiefs who voted were those who ought to have been consulted, and that they came to the decision which he had mentioned with perfect unanimity. The election was held after the most distinct orders had been issued by him that there should not be any interference whatever with the free opinion of the Chiefs and

people. Assurances were also given subsequently by the Administrator that no sort of tampering had taken place. Under all those circumstances, although Sir Michael Hicks-Beach seemed for some time to be doubtful on the subject, he had now recognized the Maharaja of Johor. There was, therefore, no reason why the Papers should not be given. He desired to add that the Maharaja had great claims on the British Government, for he was one of those rare and remarkable examples which were sometimes found in Oriental life of a Native Prince, accepting Western civilization and throwing himself actively into the work of civilizing his country. His administrative ability was very great; he possessed the means and the will of developing the resources of the country, and had justified his position by a remarkable degree of success. Beyond that, the Chiefs had plainly signified their approval of his retention of his present position. The noble Lord who brought forward the subject (Lord Stanley of Alderley) asked the Government to do what appeared to be simply impossible—namely, that they should recall their recognition of the Maharaja in favour of a man avowedly and confessedly his inferior in administrative ability who would certainly govern the country after the fashion of the thousand and one Native Princes who had misruled in its past history, and to recall it on a mere doubt, because the evidence was, in his opinion, strongly in favour of the Prince who had been elected. He did not think it possible to recall that recognition, and by refusing to do so they would be doing substantial justice, and that which was most for the interest of the little country in question.

LORD STANLEY OF ALDERLEY, in reply, said, he thanked the noble Earl the Under Secretary of State (Earl Cadogan) for the Papers, and for his reply as to the payments of the Maharaja, which was more favourable than he had expected. He must be allowed to contradict what had been said by the noble Earl (the Earl of Carnarvon) of the inferior birth of Tunku Alum; there was a confusion in the noble Earl's mind on that subject with regard to another son. There was no such thing as inferior birth; but, if so, the Maharaja was not of Royal blood at all. The noble Earl, by what he had just said of his struggle

with Sir William Jervois against annexation, confirmed the complaint which was generally made against him by the country, that he argued with his Colonial Governors instead of giving them instructions; and he would describe the consequences of such hesitation in the noble Earl's own words—

“ So spake he with a wavering mind,
But when he once had bowed to fate,
Came o'er his soul like change of wind,
A spirit base and insensate.”

Motion agreed to.

THE ADMIRALTY—THE NAVAL DEPARTMENT.

QUESTION. OBSERVATIONS.

THE EARL OF CAMPERDOWN rose to call attention to the condition of the Naval Department of the Admiralty, and to ask, When it was intended to undertake the re-organization of that office? Their Lordships would doubtless understand that by the Naval Department of the Admiralty was meant the Secretary's Office. In that Department all the important business of the Admiralty was transacted. The policy of the Admiralty, the whole administration of the Navy, all the communications with the Fleet, were maintained through this Office. It was, therefore, of the first importance that it should be maintained in a state of the highest efficiency. Many years since it was recognized that considerable changes were required as well in the *personnel*, as in the constitution of the Office, and the distribution of the various duties carried on in it. The first step towards those changes was taken in 1866, when entries were stopped in the Department; but since then nothing further had been done in the direction of the re-organization of the Office, and, consequently, the junior clerks had served more than 13 years. Since the year to which he had referred every other Department of the Admiralty had undergone considerable changes, and the present Government last Session made provision for dealing with the Secretary's Office under the Admiralty Offices Re-organization Act. The re-organization of the Office had not been carried out, and some immediate action must be taken, the Act in question having only one year to run. The number of clerks in the Office had been reduced from 60 to about 30, some of whom had

served over 40 years, and a very small further reduction would be necessary. He had read a statement made in "another place" that the Board of Admiralty were in correspondence with the Treasury on the subject; but all who had experience of correspondence in the Treasury would know that it might last for weeks, or for years, or even for a life-time; and he was anxious to know whether anything in the shape of re-organization was likely soon to take place? He ventured to hope that there would be no delay in this instance, and that he would receive a favourable answer to his Question. He should be content to learn that it was in contemplation to appoint a Committee of Inquiry.

THE DUKE OF RICHMOND AND GORDON said, that he was happy to be able to give his noble Friend (the Earl of Camperdown) the assurance that the correspondence to which he referred would not occupy the lengthened space which he seemed to apprehend. The First Lord of the Admiralty and the Board were perfectly alive to the necessity of re-organizing the Naval Department—the only Department which had not been re-organized of recent years; and the result of their correspondence with the Treasury was that the appointment of a Committee to inquire into that subject had been agreed upon, and it would, without delay, proceed upon the work in question.

House adjourned at a quarter past
Seven o'clock, to Thursday
next, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 27th May, 1879.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [May 26] reported—CIVIL SERVICES, Classes I. to VII., and REVENUE DEPARTMENTS.

PRIVATE BILLS (by Order)—Third Reading—Birkenhead Tramways*; British Fisheries Society (Pulteney Harbour, &c.)*; Downham and Stoke Ferry Railway*; London, Chatham, and Dover Railway (Sevenoaks Railway Purchase)*; London Street Tramways*; Stourbridge Gas*; Walton-on-the-Naze and Frinton Improvement*; West Lancashire Railway*, and passed.

The Earl of Camperdown

PUBLIC BILLS—Resolution [May 26] reported—Ordered—East India Loan [Consolidated Fund].

Second Reading—Local Government (Highways) Provisional Orders (Dorset, &c.)* [186]; Local Government (Highways) Provisional Orders (Gloucester and Hereford)* [185]; Tramways Orders Confirmation* [187].

Committee—Report—Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster) Improvement Provisional Orders Confirmation [175]; Local Government Provisional Orders (Castleton by Rochdale, &c.)* [160]; Local Government (Ireland) Provisional Orders (Killarney, &c.)* [178]; Elementary Education Provisional Orders Confirmation (Brighton and Preston, &c.)* [177]; Elementary Education Provisional Order Confirmation (London)* [176].

Considered as amended—Hypothec Abolition (Scotland) [119], debate adjourned.

Third Reading—Local Government (Ireland) Provisional Orders (Clonmel, &c.)* [166]; Local Government Provisional Order (Artizans' and Labourers' Dwellings)* [159]; Gas and Water Provisional Orders Confirmation* [136]; Local Government Provisional Order (Abergavenny)* [137]; Local Government Provisional Orders (Ayagarth Union, &c.)* [142], and passed.

The House met at Two of the clock.

QUESTIONS.

SALMON DISEASE (ENGLAND AND SCOTLAND).—QUESTION.

CAPTAIN MILNE-HOME asked the Secretary of State for the Home Department, If his attention has been drawn to a destructive disease extensively prevalent during this and last year among the salmon of certain rivers in England and Scotland; and, what steps, if any, he proposes to take to inquire into the nature and origin of the disease with the view of, if possible, checking its recurrence?

MR. ASSHETON CROSS: There is no doubt that this is a very serious matter, and I have had a specimen of one of these diseased salmon placed in the Library for the inspection of hon. Members by one of the Inspectors of Fisheries who has directed his attention specially to the subject, and I shall order an inquiry to be made into the matter with the objects indicated in the Question.

SOUTH AFRICA—THE ZULU WAR—RETURNS OF KILLED, &c.

QUESTION.

SIR WILFRID LAWSON asked the Secretary of State for War, If he is now

able to state the total number of officers, non-commissioned officers, and men respectively of the Imperial Forces and of the Native Contingent who have died in South Africa from the date of the declaration of war against Cetewayo up to the present time?

COLONEL STANLEY: All I can say, in answer to the Question of the hon. Baronet, is that up to the 20th instant Lord Chelmsford reported the number of killed as 1,186, and the number of deaths by disease as 86. I have not felt quite reconciled to the figures, and I give them for what they are worth. However, these are the figures we have got, and until more detailed Returns have been received I cannot give an accurate statement as to numbers.

THAMES RIVER TRAFFIC COMMITTEE
—THE REPORT.—QUESTIONS.

CAPTAIN PIM asked the Secretary to the Board of Trade, When the Report of the Thames Traffic Committee will be laid upon the Table of the House?

MR. J. G. TALBOT: The Thames Traffic Committee have almost reached the end of their labours, and we hope to be able to lay their Report upon the Table shortly after Whitsuntide.

LORD FRANCIS HERVEY asked, Whether the Committee would report on the danger to the navigation of the upper Thames which arose from small boats and steam launches?

MR. J. G. TALBOT: I fear I cannot give my noble Friend as much information as I should have desired, having only just had Notice of his Question; but I can state generally that I feel sure the Thames Traffic Committee have given their fullest attention to all matters connected with the traffic on the river, and I will take care that this particular subject shall be brought to their special attention.

THE "PRINCESS ALICE" CALAMITY—
PROCEEDINGS AT THE INQUEST.
QUESTION.

CAPTAIN PIM asked the Secretary of State for the Home Department, When the Return of the proceedings at the "Princess Alice" inquest will be laid upon the Table of the House?

MR. ASSHETON CROSS: I have had a communication from the Coroner,

informing me that the Return of the proceedings will be one of great length—probably 5,000 folios; and he wants to know who is to bear the cost of making it. I have no means of paying that expense; but I have written to him again to say that the Order of the House must be obeyed.

CYPRUS—ADMINISTRATION OF THE
GOVERNMENT.—QUESTIONS.

SIR JULIAN GOLDSMID asked Mr. Chancellor of the Exchequer, What arrangements have been made for the government of the island of Cyprus, now that Sir Garnet Wolseley has been appointed to a command in South Africa?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that Colonel Greaves was now Acting Governor of Cyprus, and he would continue to be so for the present.

SIR JULIAN GOLDSMID: As *locum tenens* or as successor to Sir Garnet Wolseley?

THE CHANCELLOR OF THE EXCHEQUER replied, that when Sir Garnet Wolseley came home it had been found necessary to appoint some one to conduct the administration of the affairs of the Island in his stead, and that Colonel Greaves had been appointed with that object and remained in that position.

Afterwards—

SIR JULIAN GOLDSMID said, the answer of the Chancellor of the Exchequer with respect to the government of Cyprus was not clearly understood by several hon. Members, and he therefore wished to put a further Question on the subject. They were informed that Sir Garnet Wolseley had been appointed High Commissioner and Commander-in-Chief in the Transvaal; and they wished to know whether, at the same time, he remained Governor of Cyprus, and whether Colonel Greaves was only his *locum tenens*?

THE CHANCELLOR OF THE EXCHEQUER: I thought I had made my Answer clear. Sir Garnet Wolseley came home from Cyprus a short time ago for purposes of a Departmental character. Since he has been in this country an arrangement has been perfected by which he is to go out as Governor of the Trans-

vaal and Natal. That arrangement has been quite recently made. The affairs of Cyprus were left under the administration of Colonel Greaves. They still remain under his administration; but no decision has been at present arrived at as to what will be done hereafter.

SIR JULIAN GOLDSMID: Is Sir Garnet Wolseley to be Governor of Cyprus as well as of the Transvaal and Natal?

THE CHANCELLOR OF THE EXCHEQUER: I think the hon. Gentleman really must see what the state of the case is. I do not quite see what is the motive of his question. Sir Garnet Wolseley, being Governor and High Commissioner of Cyprus, came over here on leave for purposes of a Departmental character. Within the last two days, in fact, he has received an appointment to another post. The matter is one which, of course, has occupied a great deal of the attention of the Government. Colonel Greaves is left in charge of Cyprus; but what arrangements are to be made at Cyprus is a matter at present under the consideration of the Government. It is impossible for me to say more than that.

SIR JULIAN GOLDSMID: The right hon. Gentleman says he does not understand the motive of the Question. My motive is simply to know in what hands the government of Cyprus is going to be placed, and to know whether Colonel Greaves merely represents Sir Garnet Wolseley during his absence, and whether Sir Garnet Wolseley holds two appointments at the same time? It is not my purpose to find any fault with the Government, inasmuch as I cordially approve of their appointment of Sir Garnet Wolseley.

CRIMINAL LAW—CASE OF EDMUND GALLEY.—QUESTION.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether he has been able to give further consideration to the case of the convict Edmund Galley, reprieved from sentence of death in 1836; whether (as it has been stated in a weekly journal) he has had the assistance of the Law Officers of his department in considering the evidence; and, what is the result at which he and they have arrived as to the innocence of the man?

The Chancellor of the Exchequer

MR. ASSHETON CROSS: I have nothing more to say on this case at present than what I have already stated. The matter is to be brought before the House, as I understand, by the hon. Member for South Warwickshire (Sir Eardley Wilmot); and I must reserve any remarks further until he introduces the subject. I think it will then be seen that due attention has been paid to the matter.

POOR LAW—DUDLEY, &c.—THE TRUCK SYSTEM.—QUESTION.

MR. H. B. SHERIDAN asked the President of the Local Government Board, Whether he is aware that the men who are engaged to work in the parishes of Dudley, Tipton, Sedgley, and Rowley, are paid by such parishes partly in wages and partly in "truck" as it is called; whether he is aware that great complaints are made by the men as to this mode of payment; and, whether he can take any steps to provide against a continuance of this system?

MR. SCLATER-BOOTH, in reply, said, the out-door paupers relieved by the Guardians of the parishes referred to had the labour test applied to them—a system which he thought very conducive to the interests of the poor and the rights of the labouring classes.

RIBBONISM (IRELAND)—TYRONE. QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether he will have any objection to place upon the Table of the House the Reports from the constabulary authorities or resident magistrates of the county of Tyrone, if any such exist, for the years 1878 and 1879, which tend to show that certain districts in and about Holyhill are infected with ribbonism and infected with illicit distillation?

MR. J. LOWTHER: Sir, I am afraid I cannot lay these Papers upon the Table, as they are always treated as highly confidential, and their production would be attended with inconvenience.

NATIONAL SCHOOL TEACHERS (IRELAND)—LEGISLATION.—QUESTION.

SIR JOSEPH M'KENNA (for Mr. MELDON) asked the Chief Secretary for Ireland, When he proposes to introduce

the Bill relating to the Salaries and Pensions for Irish National School Teachers; and, whether, having regard to the delay which has occurred, and the anxiety felt by the teachers, he will state what course the Government are prepared to adopt?

MR. J. LOWTHER: Mr. Speaker, if the hon. Gentleman will take a glance at the Order Book, he will, I think, be disposed to concur with me in the opinion that in its present condition it does not hold out much encouragement to the Government to introduce more Bills. I hope, however, that the progress of Public Business will be such that it may be in my power to bring in a Bill upon this subject before very long.

SOUTH AFRICA—INSTRUCTIONS OF SIR GARNET WOLSELEY.—QUESTION.

MR. SULLIVAN: A typographical error appears in the printed Paper of my Question, the word "terms" being printed instead of "tenour." I wish to ask Mr. Chancellor of the Exchequer, Whether he can state to the House the tenour of the instructions agreed upon by Her Majesty's Government for the guidance of Sir Garnet Wolseley in South Africa in reference to terms of peace?

THE CHANCELLOR OF THE EXCHEQUER: Sir, there is a considerable difference between the Question as it now stands on the Paper and the Question as put by the hon. and learned Member last evening. As I stated in the course of the discussion yesterday, I could not undertake to state precisely the terms of Sir Garnet Wolseley's instructions, but as to the tenour of those instructions we have no difficulty; and that tenour was indicated by my right hon. Friend the Secretary of State for the Colonies last night. The object of Her Majesty's Government, and the tenour of their instructions to Sir Garnet Wolseley, is to bring this war as speedily as possible to an honourable termination, consistently with the safety of the Colonies; and it will be an instruction to Sir Garnet Wolseley that he should examine and carefully consider any *bond fide* overtures of peace that may be received from the Zulu King. It is not the object of Her Majesty's Government, as has been more than once stated, to encourage any annexation or

extension of territory; but to bring about a satisfactory peace, consistently, as I have just said, with the safety of the Colonies.

POOR LAW (IRELAND)—MONAGHAN BOARD OF GUARDIANS.—QUESTIONS.

MR. CALLAN asked the Chief Secretary for Ireland, Whether his attention has been called to certain proceedings at the Monaghan Board of Guardians on the 30th of April, May 7th and 21st, and the correspondence between Mr. MacAleese, the proprietor of the "People's Advocate," and the Local Government Board, Ireland, with reference to the exclusion of the reporter of that journal from the board room of the Monaghan Board of Guardians, whilst the other local Tory journals are admitted to report the proceedings thereat, and the refusal of a Mr. Jesse Lloyd to receive the following notice of motion:—

"I beg to give notice, that I will move on this day month, that the resolution passed by this Board on the 1st May 1878, excluding the representative of the 'People's Advocate' from the meetings, while the reporters of the other local papers are admitted, be rescinded, as unworthy of this or any other Board of Guardians in Ireland;"

whether it is in the power of a Board of Guardians, where meetings are open to the Press, nevertheless to admit only certain journals advocating Tory politics, and to exclude the representatives of a Liberal journal; if a chairman of a Board of Guardians can of himself refuse to receive a notice of motion admittedly legal, and within the rights of any individual guardian to propose, and so prevent the matter from being formally brought before the Board; and whether a clerk of the peace, who is the clerk to the magistrates, and from the nature of his office incapable of acting as a magistrate, is nevertheless legally qualified to act as an *ex-officio* Poor Law Guardian?

MR. NEWDEGATE: Before the right hon. Gentleman replies, I wish to put a Question, of which I have given private Notice, to the Chief Secretary. It is, Whether it is customary in Ireland that the Chief Secretary should decide whether the proceedings of each Board of Guardians shall be reported; and if so, whether it is customary that the Chief Secretary should decide whether

the representatives of particular papers should be allowed facilities for doing so?

MR. CALLAN: I have put the Question to the right hon. Gentleman not as Chief Secretary for Ireland, but as *ex-officio* Chairman of the Local Government Board.

MR. J. LOWTHER: The hon. Member for Dundalk is, no doubt, quite correct in saying that his Question is addressed to me, not as Chief Secretary, but in the capacity of President of the Local Government Board. I had rather, however, not undertake at present to say how far I may be the proper authority in either capacity. As I only saw the Question this morning, perhaps the hon. Gentleman will kindly postpone it till a future day.

MR. CALLAN: I beg to give Notice that I will repeat my Question after the holidays.

THE ADMIRALTY—THE DIRECTOR OF NAVAL CONSTRUCTION.

QUESTION.

MR. D. JENKINS asked the First Lord of the Admiralty, If it is true, as stated in the "Pall Mall Gazette" of Friday last, that the Director of Naval Construction and a large portion of his staff are actually engaged within the walls of the Admiralty at Whitehall in designing plans for the construction of a powerful ironclad ship for the Argentine Confederation; and, if so, whether, considering the strained relations now existing between that republic and a neighbouring belligerent, such a proceeding is, if not a breach of neutrality, an unfriendly act towards a State with which we are on terms of amity?

LORD FRANCIS HERVEY: I rise to Order. This Question involves matter of argument which ought not to be introduced, and particularly as that argument bears prejudicially on the affairs of a State with whom we are on terms of friendship; and still more, especially as far as I am aware, there is not the slightest foundation for the statement involved.

MR. SPEAKER: I see no ground for interposing.

MR. W. H. SMITH: There is no truth in the story at all. It was contradicted by *The Pall Mall Gazette* itself yesterday or the day before.

Mr. Newdegate

CYPRUS—ADMINISTRATION OF JUSTICE—THE ORDINANCES.

QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether he will lay upon the Table the Cyprus Ordinance of the present year, which enables the government of Cyprus to exile without trial any persons whatever?

MR. BOURKE: I stated a few days ago that all the Ordinances passed by the Government of Cyprus would be placed in the Library, and I shall be glad to carry out the promise in a short time. We have not got them all yet, and I do not think there is any necessity for making an exception in the case of the Ordinance alluded to by my hon. Friend. I cannot quite accept the description given by the hon. Baronet of the particular Ordinance to which he refers as one allowing the Government of Cyprus to "exile without trial any persons whatever." It gives power to the High Commissioner, with the consent of the Legislative Council, to pass a resolution stating that any person whose presence in that Island is likely, in their opinion, to be prejudicial to the good order or safety of the Island should not be allowed to reside there. That is the purport of the Ordinance in question, and it will, I hope, be in the Library in a few days.

GREECE—CYPRUS—FURTHER PAPERS.

QUESTIONS.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, On what day the Greek Papers will be in the hands of Members?

MR. BOURKE said, in the case of the Greek Papers, it had been found necessary to send some to Athens, others to Constantinople. It would also be necessary to send others to Paris, Vienna, and Rome, before they could be published. He hoped, however, they would be in the hands of hon. Members before long. He did not like to make any promise, but he hoped they would be distributed after the holidays. In regard to the further Papers relating to Cyprus, he had formally presented these that day, and they would be in the hands of hon. Members in a few days.

MR. MONK asked, Whether the Greek Papers would contain any despatches in reference to Crete, or whether any Papers relating to Crete might be expected?

MR. BOURKE replied that the Greek Papers did not contain any despatches relating to Crete. That subject had been treated by itself, and Papers were being prepared with regard to it. A Blue Book had already been published relating to Crete, and it was proposed to continue to keep the despatches respecting Crete separate from the Greek Papers.

EGYPT—THE FRENCH AND ENGLISH GOVERNMENTS.—QUESTION.

MR. OTWAY: I wish to ask the hon. Gentleman the Under Secretary of State for Foreign Affairs a Question of which I have given him private Notice, Whether any communication has been received by Her Majesty's Government relating to the tone of an influential portion of the French Press, and especially of the newspapers intimately connected with the present Administration in France, towards Her Majesty's Government on account of their policy and proceedings in Egypt; and, whether there is anything in the present relations of the two Governments which justifies the hostile tone of those French journals, which are usually most friendly towards this country?

MR. BOURKE: I am sure my hon. Friend and the House will be glad to hear that there is nothing in the communications which have passed between the Government of France and the Government of England that can give grounds for the allegation that there is any difference whatever in the policy of the two Governments with respect to Egypt. We really know nothing of any of the alleged disagreements which have taken place.

MR. OTWAY: The hon. Gentleman has only answered a portion of my Question. He has left unanswered that part which asks whether any communications have been received by Her Majesty's Government relating to this matter?

MR. BOURKE: The hon. Gentleman is usually so fair in the Questions which he puts in regard to foreign affairs, that I should be very willing to give him all

the information in my power. If, however, he alludes to communications which have been passing between Her Majesty's Government and our Ambassador at Paris, I am sure he will see that it would be impossible for me to give even the faintest idea of what those communications are about, as they are, of course, confidential. Therefore, in the present state of affairs, I do not think I can give him any more information than I have already given—namely, that there is no ground for the allegation that there is any substantial difference in the policy of the two Governments.

WELLINGTON COLLEGE—THE COMMISSION.—QUESTION.

In reply to Mr. J. R. YORKE,

MR. ASSHETON CROSS said, the Government were willing that the Commission which had been asked for by the House should be issued at once. The names were very nearly settled; but they had not yet been submitted to Her Majesty. There would be no further delay, and he hoped that immediately after the Recess the Commission would begin its labours.

TURKEY—CONSUL BLUNT'S REPORT. QUESTION.

LORD ELCHO asked, When Consul Blunt's long-promised Report would be laid on the Table of the House?

MR. BOURKE: The House is well aware that this Report has been prepared for many months, and is quite ready for presentation to Parliament; but that for reasons which it is not necessary I should enter into it has not been presented. Her Majesty's Government have no objection to present it; and I hope I shall be able after the holidays to tell my noble Friend that the Government have come to a decision on the subject.

PARLIAMENT—RULES AND PRACTICE OF THE HOUSE—THE CROSS BENCHES AND THE GALLERY.

QUESTION.

MR. C. BECKETT-DENISON rose to a point of Order, and said he would be glad if Mr. Speaker would settle a point affecting the convenience of a

number of hon. Members who frequently sat on the cross-benches below the Bar. A few evenings ago, Mr. Speaker had ruled an hon. Member to be out of Order in attempting to address the House from those seats, on the ground that they were outside the House. He had it on the authority of some Members who had sat in the House for a great number of years that in former days there was one hon. Member who was in the habit of addressing the House from those seats, and that it was in the power of any hon. Member, if so minded, to address the House from any portion of the Gallery. He thought it would be for the convenience of the House generally if Mr. Speaker would state why those seats were debarred from privileges which belonged to other seats in the House?

MR. SPEAKER: I am unable to give any reason for the practice to which I referred the other day; but it has been the practice, so far as I am informed, that Members without the Bar—that is to say, on the other side of the Bar that passes across the House from one side to the other—cannot address the House from the seats referred to. It is open to Members to address the House from all other seats exclusively appropriated to the use of Members, including those in the Gallery.

SOUTH AFRICA—THE ZULU WAR— THE TRANSVAAL.—QUESTION.

MR. O'DONNELL: I wish to put a Question to the right hon. Gentleman the Secretary of State for the Colonies of which I have given him private Notice. I desire to ask him, Whether he has received any official corroboration of the statement in the "Standard" of yesterday, that the Zulus have burned the grass in their country, thus rendering the advance of the Cavalry impossible. Also, if he has received any official corroboration of a statement in the correspondence of the "Times," that a portion of the Cavalry—the Dragoons—has been sent into the Transvaal for the purpose of overawing the Boers.

SIR MICHAEL HICKS-BEACH: A moment ago, I received from the door-keeper the Notice of the hon. Member's Question. I submit that that is not a sufficient Notice of a Question to be asked in this House. I have not seen

the statements in the morning newspapers to which the hon. Member refers. I had other business to attend to which prevented me from reading the papers. My right hon. and gallant Friend the Secretary of State for War informs me that he believes Dragoons have been sent to Standerton, but I do not know for what reason. As to the other matter to which the hon. Member refers, I cannot give any information.

PARLIAMENT—PUBLIC BUSINESS— DOGS REGULATION (IRELAND) BILL.

QUESTION.

MAJOR NOLAN asked the Chief Secretary for Ireland, When the second reading of the Dogs Regulation (Ireland) Bill would be taken?

MR. J. LOWTHER: The hon. and gallant Gentleman appears very anxious to know when this Bill is to be proceeded with; but I am afraid I cannot tell him, because, of course, that will depend on the state of Business. I shall be glad to give him notice before the day is fixed.

SOUTH AFRICA—SIR BARTLE FRERE.

QUESTION.

MR. COURTNEY: I beg to ask the Secretary of State for the Colonies a Question of which I have given him no Notice whatever; but, perhaps, he may be able to answer it. I wish to know, Whether he can give us any information now as to the authenticity of a despatch of Sir Bartle Frere which was published more than a week ago in the "Standard;" and, if the despatch is in his possession, whether he will lay it on the Table?

SIR MICHAEL HICKS-BEACH: I have not yet received that despatch.

MOTION.



THE WHITSUNTIDE RECESS.

Motion made, and Question proposed, "That this House, at its rising, do adjourn until Monday 9th June." — (*Mr. Chancellor of the Exchequer.*)

SOUTH AFRICA—THE ZULU WAR.

OBSERVATIONS.

MR. SULLIVAN said, that as he wished to avoid the practice of conducting anything like a cross-examination

of a Minister of the Crown at Question time, he did not follow up his Question, though the right hon. Gentleman, he must admit, had made an answer which, in a great degree, was satisfactory. But he rose now, as they were about to adjourn, to ask the Government to follow up—as he hoped the Government would—the exceedingly grateful and welcome announcement which was made near the close of their proceedings on the day before by the right hon. Baronet the Secretary of State for the Colonies, and which had been confirmed so far by the Chancellor of the Exchequer. The latter right hon. Gentleman dealt, however, with only these two points—that no annexation of territory was to be attempted in South Africa, and that there was a benevolent intention to end the war if Cetewayo made overtures for peace. He had no doubt in the world of that intention on the part of the Government. He did not believe that the Government were anxious to prolong this war for one day longer than they, in their policy, thought necessary; and it was to their policy that his Question had been directed. The real pith and substance of the Question had been put to the Government on the previous night by the right hon. Baronet the Member for Tamworth (Sir Robert Peel). Would the terms of peace imposed, or sought to be imposed, upon Cetewayo be such as to cause the war to be a protracted and bitter one, or a short war with a happy ending? They knew the terms of peace offered to Cetewayo before the invasion; and they now desired to know whether the circumstances of the moment warranted the Government in desiring to conclude peace on terms less exigent or more exigent than those that were put into Sir Bartle Frere's Ultimatum to Cetewayo? The Government must know the terms of peace which Sir Garnet Wolseley would be empowered to offer. Were they to be less or more severe than those which Cetewayo from first to last had from us? It was no use to say that they were ready to receive proposals for peace; that was merely a civil phrase, and amounted to nothing. What the country desired to know was whether the Government intended to put upon Cetewayo the same rude terms that drove him into the war; or would they give him a chance of coming in upon terms more nearly reflecting the

spirit of that noble despatch which the Secretary of State for the Colonies wrote to Sir Bartle Frere condemnatory of his policy? If the papers were to be trusted, and if they could believe all they heard, it was almost too late, for Zululand had been again invaded by the Imperial Forces, who had waited and waited until they had a powerful and overwhelming strength at their command. During all these weeks the Zulu King seemed to have avoided retaliatory measures upon their Colonial Possessions. If he were animated by such bloodthirsty designs as would warrant the Government in that which was now about to be done, he had his opportunity of giving effect to them, but he had not availed himself of it. No; in his own rude, barbaric way, the man had been silently making an appeal to their chivalry and generosity, and there was that about to happen which would prevent him from suing for peace. Unless something was done they would be in the midst of scenes of carnage and bloodshed and the havoc of war, and they would find Cetewayo, if he were the brave man he took him to be, sealing his own lips and saying he would make no further offer to us. He urged the Government to make every effort to bring about a speedy peace, and not allow Cetewayo to say that when we were weak he allowed us to wait without attacking us, but when we were strong we invaded his country once more. The Government should not wait for the advent of Sir Garnet Wolseley in South Africa before they made an attempt to conclude peace, if that was their object. He made that appeal in no embittered spirit; but he would say that at the outset of the war it was intensely unjust, and now the time had arrived when the Government should terminate the struggle, and not bring disgrace upon the British flag by prolonging the war.

MR. KNATCHBULL-HÜGENSEN did not yield to anyone in the desire that such terms should be offered to the Zulu King as might lead to the termination of the war, on conditions consistent with the safety of our Colonists and compatible with that humanity which was as creditable to a great country as was the utmost display of bravery. At the same time, however, he was sensible of the great responsibility which rested upon anyone who

spoke on that (the Opposition) side at the present moment. So far as Gentlemen on that side were concerned, they had reason to congratulate themselves on the outcome of recent events; because, a few months ago, they earnestly advocated the supersession of Sir Bartle Frere, and now the Government had superseded him. ["No!"] That was, they had deprived him of the power of doing what many feared he was about to do—namely, to carry on a war for objects which they did not believe to be legitimate objects. They ought, therefore, to be satisfied with that. It was now admitted that the policy which was sought to be pressed upon Cetewayo at first was not the policy which they were disposed to insist upon at present. The sending out of Sir Garnet Wolseley was, in his opinion, an event of very happy augury; and the Government would be worse than blind if they did not see that the country desired an end of the present state of things, so long as it could be brought about in a way compatible with the honour of the country, and less than that it would be impossible to accept. It was their policy and their wisdom to let the Government see what they desired to be done, and leave it to them to carry it out. And what was it they now wanted to gain? They desired that measures should be taken to secure as speedy and satisfactory a termination of the war as possible; and he was not sure that this object would be best secured by pressing the Government too much on the subject at the present moment. There were many occasions on which it was legitimate and right, as well as absolutely necessary, for the Opposition to press the Government; but, at a moment when the Government appeared to have come round to the Opposition policy, though only doing now what they ought to have done two months ago, it was rather for the Opposition to encourage them, and show a desire to afford them as much support as they legitimately could in carrying out that policy. He (Mr. Knatchbull-Hugessen) made it his principal complaint against the present Government, that although they were often right, they were generally right about two months too late. Just so it was with regard to the presentation of Papers on all these important subjects; the Government presented ample Papers, but they were almost always

about two months too late to be serviceable for debates. The Opposition might argue that the step which the Government had now taken was as much as to say that they admitted that the conditions which were attempted to be imposed upon Cetewayo at the commencement of the war were not the conditions which they were disposed to insist upon now in sending out Sir Garnet Wolseley. For his own part, he should not have discountenanced the continuance of any discussion by which practical good was likely to be obtained; but, Members of the Opposition having already fully expressed their sentiments, it was now their policy and their wisdom to let the Government see that they desired to encourage them in carrying out the policy which they seemed now to have adopted, in the hope that under Sir Garnet Wolseley the past might in some measure be retrieved, and that we might soon see a speedy termination of the unhappy war in South Africa—a war which was begun without necessity, and in the conclusion of which the principles of magnanimity, generosity, and humanity ought to be allowed to have full weight.

SIR JULIAN GOLDSMID wished to explain, that in questioning the Government on this subject he did not desire in any way to find fault with the appointment of Sir Garnet Wolseley. On the contrary, he thought the only point was whether the Government ought not to have adopted that course many weeks ago. He desired, however, to ask again, though in a different form, the Question he put yesterday—whether Sir Garnet Wolseley, in accepting the office of High Commissioner and Commander-in-Chief in South Africa, would still remain High Commissioner of Cyprus; whether, in fact, he was to hold the two appointments simultaneously; or whether he was to be succeeded in Cyprus by Colonel Greaves? As Sir Bartle Frere also held the office of High Commissioner in South Africa, he wished to know what steps were being taken to prevent a conflict of authority between him and Sir Garnet Wolseley? Another point he desired to refer to. There was a wide-spread feeling that there had been much unnecessary discomfort, not to say unnecessary illness, amongst the troops who had already arrived in South Africa.

Mr. Knatchbull-Hugessen

It had been reported that 25 per cent of the men who had recently gone out there were laid up by disease; and if the Government were in a position to give the House any information on that subject, it would be gratefully received. If there was any truth in the statement, he trusted the Government would take prompt measures to supply the existing want both of doctors and medicines at the seat of war. He trusted also that Sir Garnet Wolseley would have authority to exercise his discretion in taking advantage of any opportunity for speedily terminating a war which could do us no honour, and which must bring grief and woe to many homes in England.

LORD ELCHO said, he thought the right hon. Member who formerly held the office of Under Secretary of State for the Colonies (Mr. Knatchbull-Hugessen) had rightly asked the House not to press the Government for details as to what it might be necessary to do at the Cape. Indeed, he thought it was unusual for an Executive possessed of the confidence of the country to be pressed to the extent to which Her Majesty's Government had been; and he (Lord Elcho) had noticed with satisfaction that his noble Friend the Leader of the Opposition was very careful when he spoke yesterday to avoid this fault, remarking that he only spoke upon the subject at all after the Government had themselves done so. Now, there could not be a doubt that this appointment of Sir Garnet Wolseley was a great change, and it had been received by the House and the country and the Press as a happy augury. He trusted that it might prove to be so. Sir Garnet Wolseley was a man of great administrative ability, with a sound military knowledge of strategy and tactics; and he (Lord Elcho) had no doubt that what ability, intelligence, and also kindliness of disposition could do to bring this war to a satisfactory termination would be done by that distinguished gentleman. He had the pleasure of Sir Garnet Wolseley's acquaintance—indeed, enjoyed his friendship, and he looked with great satisfaction upon his appointment. But he could not but couple this feeling of satisfaction with the feeling which naturally arose from the fact that this war had shown us that, without calling out our Reserves, we had, practically, no Army; and the appointment of Sir Garnet Wolseley

looked very much as if, in the opinion of the authorities who were responsible for the safety of the State, we had but one General. He need not dwell on that further than to express a hope that what the nation expected from this appointment would be realized, and that there would be soon in South Africa a satisfactory and permanent settlement of the present unhappy state of affairs. But, while thus speaking, and while anxious to do justice to Sir Garnet Wolseley, he felt that but scant justice had been done to Sir Bartle Frere in speeches which had been made in that House, and in this matter he could not even except Her Majesty's Government. He had not the pleasure of Sir Bartle Frere's acquaintance—he had, indeed, only seen him once in his life—and, therefore, spoke entirely without any personal feeling, but solely according to the dictates of conscience. He thought that in the speeches made and the course taken with reference to Sir Bartle Frere, hon. Members did not sufficiently put themselves in the position of that gentleman when he was sent out to South Africa with the high powers which were conferred upon him by his commission—powers, be it remembered, of peace and war—powers which were not granted to an ordinary Colonial Governor, but which were given to him as High Commissioner. Hon. Members did not sufficiently put themselves in the position of a man who, well known for his humanity and for his negrophilism, if he might say so, in other parts of the world, found himself suddenly confronted with what, acting to the best of his judgment, he believed to be imminent danger to the Colonies for whose safety he was responsible. If we had had difficulties to contend with in that army of organized Zulus, what did that show? It showed how great the danger was; and the greater our difficulties the greater was the danger shown to be. That much was clear from the course of the war. They had heard a great deal of the extraordinary gallantry of that savage race. No one could speak of it too highly. He did not believe that our nation ever in its history encountered so physically brave a people as the Zulus. Indeed, if he could prophesy, he could confidently predict that the day would come—as certainly as this country would prosper and progress as a great Imperial Power

—when the Zulu troops in the British Service would occupy the same position towards us in South Africa as the Sikhs and Goorkhas now did in India. Therefore, let it not be thought in anything he said about the Zulu Chief and his Army that he failed to appreciate their most remarkable physical qualities. But what was the character of King Cetewayo, who was in this House held up to their admiration? While listening to a speech lately made in “another place,” he happened to find himself standing by the side of a member of the Austrian Embassy, and said to him—“Why, they talk of this Zulu King, who is, practically, a gorilla, armed with guns and assegais, instead of fighting with his tail and claws, as if he were the Emperor of Austria.” [“Oh, oh!” “Withdraw!”] He (Lord Elcho) had nothing to be ashamed of, and he had nothing to withdraw, but he had a good deal to prove, or rather, wherewith to prove his statements. What had they on record? Why, that King Cetewayo was as cruel as he believed he was crafty; that he murdered, having first what he called smelt them out as guilty of witchcraft, all persons whose property he wished to get possession of; that he flayed men alive, covered them with honey, and, while they were still alive, planted them in ants’ nests. They had it from his hon. Friend opposite the Member for Chelsea (Sir Charles W. Dilke), that he killed his prisoners; and why? Because he had no prisons. His prison discipline, therefore, was of the simplest, and so was his poor law, for they read that the aged and infirm were buried alive. And now as to his troops. He said this with great reluctance; but he thought the time for plain speaking on that question had come. He gave the Zulus credit for their gallantry; but he had seen a letter which showed them the type of man they had to deal with in that country. He had seen a letter of which sheets and sheets were written in pencil after the battle of Isandlana, and the writer said that every soldier who fell was disembowelled; that the hands, feet, and heads of many were cut off; and that drummer boys were found with their hands tied behind their backs and hung up on meat hooks. This was the sort of King they had to deal with, such were his soldiers. Now, he ventured to think that our Colonists were

entitled to be considered in this matter, and that Sir Bartle Frere, defending a long frontier with a fordable river adjoining a great Colony, ought not to have had such hard measure dealt out to him as he had received at some hands on account of the steps which he had found it necessary to take under a heavy weight of responsibility. Whenever he heard speeches in that House strongly taking the Zulu side and ignoring that of our Colonists, who were in danger from that sword of Damocles which was hanging over them, he was led to reflect thus—If for the Tugela, they read the Thames, and for Natal they read Chelsea; if for Zululand, they read Surrey, and if that condition of things existed on the other side of the Thames in the wilds of Wimbledon and the forests of Coombe Wood, which existed in Zululand, they would not have had such Motions made in the House as had been made by the hon. Member for Chelsea (Sir Charles W. Dilke); and the inhabitants of this side of the Thames would be only too thankful to any man of courage who took upon himself the responsibility of grappling with the danger and securing their safety. Passing, however, from that point, he would observe that they had heard from the Government what, generally speaking, the policy now to be pursued in South Africa was to be. [“No!”] He had said “generally speaking.” He had gathered from the reply of the Chancellor of the Exchequer that day that what the Government looked to, and what Sir Garnet Wolseley was supposed to be the most efficient instrument they could find for obtaining, was an honourable termination, consistently with the safety of the Colony, of the present war; that they were ready to receive any overtures from Cetewayo; and that they did not look to any addition of territory. All that he trusted was that Sir Garnet Wolseley would not go out too much fettered, either in his civil or military capacity, as to the measures which he might think it necessary to take to attain those objects—the safety of the Colony and a permanent peace. Annexation was a word which seemed to shock hon. Gentlemen; but he asked them for a moment to look at the map. He repeated, what he had often said, that if they could speak in the House as counsel upstairs did before a Committee on a

Lord Elcho

Railway Bill with maps before them, many things would not be said which were said on questions under discussion. He now held in his hand a map of South Africa. All the parts marked red were British territory, while a little yellow patch, not more than one-twentieth of the whole, was not British. Now, looking to the course of the world and of history, looking to what went on in America and the rest of the globe, did they believe it was physically possible that, sooner or later—he did not say now—the country so situated would not be annexed? [“Hear, hear!” *from the Opposition.*] He was glad to find that the strength of his argument was so readily admitted. As had happened in America, wherever a civilized Power came in contact with a barbarian Power, especially with one so dangerous and so armed and organized as this, the result must be, sooner or later, for the sake of peace and of humanity, the uncivilized Power must be absorbed by its civilized neighbour. He, for one, should not be surprised if it turned out, sooner or later, that in order to obtain the object which they all contemplated by the appointment of Sir Garnet Wolseley, it might be necessary even to annex the Zulu country. On the other hand, he had heard objections raised to what was called the establishment of fortified posts in that country. He happened at dinner lately to be seated by a French officer, who was one of the most intelligent and able men whom it had been his fortune to meet in the course of his life. The conversation naturally turned on what was uppermost in every man’s thoughts.

“It seems to me,” said this officer, “that your position in South Africa is very similar to what ours was in North Africa—in Algeria. We had Colonists there whom we were bound to defend, and they were constantly liable to inroads and fights with the Natives who, when beaten, retired. This went on for years and years, until the appointment of Marshal Randon, who said—‘If I am empowered to carry on this war and to make the Colony secure in the way which I believe to be the best, I engage that peace shall be maintained, and that the Tribes shall be no longer dangerous to our Colonists.’”

Well, the Marshal proceeded by making roads, and establishing fortified posts as he went on. He hoped that as far as these fortified posts were concerned, the hands of Sir Garnet Wolseley would not be tied, and that it would be open to him to take such military steps as might

be necessary to secure the safety of the Colonists. He had no more to say than this. [“Hear, hear!” *from the Opposition side below the Gangway.*] Of course, he did not suppose that his views would meet the approval of a section of the Party opposite; but he had deemed it right, in justice to Sir Bartle Frere and in the interests of his country, to make the few observations he had done, and which, if no one had led the way, he would not have ventured to utter. He hoped we might see a permanent and satisfactory peace established. Hon. Gentlemen opposite, though they might dispute his argument and differ from him, would, he trusted, give him credit, at least, for this—that he was at heart not less humane than themselves. Equally with them he hated unnecessary war, and he could assure them that those who had suffered from war knew the sorrows and the miseries it produced. But he believed it to be essential, not only for the sake of humanity, but for the sake of civilization—for the sake of the Colonies, aye, and for the sake of the gallant savages who were now fighting against us—that the war which, sooner or later, was inevitable should be settled finally and in a permanent way. He also thought that, looking to the future and to the further organization and arming of these savages which, sooner or later, would have taken place, it was well for all concerned—for them, for us, and for our Colonists—that this war had come upon us sooner rather than later.

MR. GLADSTONE: I cannot allow the speech of my noble Friend to pass without remark. It appears to me that it is a speech which does not express the views entertained by the House in general or by hon. Members on the other side. I do not now at all complain of the words of kindness and consideration and honour in which my noble Friend spoke of Sir Bartle Frere. I think Sir Bartle Frere has been placed in a position of the greatest difficulty, and has the strongest claims upon our sympathy, as well as our generous regard. He was sent out to Africa at a time when, I fear, the seeds of this difficulty had already been sown by prior proceedings for which he was not responsible. He has had a task of the most arduous character to conduct; and certainly I, for one, have not been able to concur in all the opinions which he has formed upon

a complicated state of facts; but I am confident that when Sir Bartle Frere returns to this country, or in whatever position of life he may be found, he will continue to draw to himself the admiration and regard of his fellow-countrymen. ["No, no!"] I must, at the same time, draw a distinction between my dissent from the particular opinions which he may have formed in a particular combination of affairs, and the views which I think we are bound to entertain towards a man who, in a long course of years, has occupied so honourable and distinguished a name in the service of the Crown. I must say that I hope hon. Members will not be disposed to widen unnecessarily the field of this debate. An appeal has been made by my right hon. Friend the Member for Sandwich (Mr. Knatchbull-Hugessen) to the House to refrain from pressing the Government for any particular declaration; and the hon. and learned Member for Louth, who commenced this debate, and with whose general views I, for one, very much concur, showed at once his sense that it was necessary that something should be said, and his desire to reduce to the lowest point compatible with his conscientious convictions any demand he made upon Her Majesty's Government for information. It is in the interest of the opinions of the hon. and learned Member for Louth that we should not press for information at this moment. Her Majesty's Government, whatever I or anyone else may think of their former proceedings, have to deal at present with a case of very great difficulty. They have made an important approximation towards the views generally entertained on this side of the House by the declaration they have made of their desire, at least, with regard to the annexation of Zululand. It may be—and I trust it will be—that in other respects they will find themselves nearer to the views of those who have disapproved of Sir Bartle Frere's policy than might at one time have been supposed. They have before them other questions than the question of annexation. They have before them the various subjects that were raised in the terms of the Ultimatum. They have before them those demands which what is called the public opinion of the Colony make—in my view of this question a most fallacious guide—that may be influenced

either by mortification from the disaster they have sustained, or by exultation with the successes which followed. They have to consider, likewise, the difficulties in which they are placed in respect of the relations subsisting in the Transvaal territory; and, upon the whole, I do not feel I should discharge my duty to the country by pressing upon them for any declaration whatever, after the steps they have taken. What I hope is, that the speech of my hon. and learned Friend the Member for Louth, and that the general tone of this discussion, and the general tone of the House upon the whole subject, may incline them both to a course of mercy and of moderation. It is not necessary for us to follow my noble Friend who spoke last in discussing the character and proceedings of Cetewayo; but I think there are two observations which may be fairly made—that for cruelty, and for the aggravation of cruel customs existing in savage lands, no apology is to be made; but that, on the other hand, our main duty is to regard the conduct of this man in his relations with ourselves. If they have, on the whole, been such as to present a hopeful character, if his proceedings towards us admit of a fair and charitable construction, then, I think, we should hope that the savagery of his proceedings at home which, I am afraid, is in many particulars undoubted, may be mitigated hereafter by friendly intercourse with a Christian and a better instructed people; for I have little hope, I confess, of conquering evils of that kind by the infliction on his nation of the horrors of war. If it were a question of dealing with him individually, and punishing his crime upon his own person, then, indeed, I could understand the argument we have heard. The argument is, that the barbarous character and manners of this man have exhibited themselves in cruelty to the aged and infirm, and in the oppression—the bloody oppression—of his own subjects. If that be true, and, possibly, to some extent it may be true—it is surely an unfortunate inference that those subjects are to be made to bear all the cruel inflictions that war may bring upon them. I hope Her Majesty's Government will make note of this discussion as tending to confirm the tendency on their part that, while we would do nothing that would injure the safety of our Colonies, yet when that safety

Mr. Gladstone

is secured, the more moderate and more merciful their views, the better they will meet the convictions and desires of their country. My belief is that we shall do a greater service to the cause of humanity by leaving this matter, than we possibly could by calling upon the Government now to make declarations which I feel it would be difficult for them to make, and by challenging them to promises that they will do things which they may well be inclined to do if they are reasonable, but in regard to which it may also be a fact that their declaration of that intention may be the greatest obstacle to carrying it out. For my part, I decline to put any pressure upon the indisposition of the Government to declare their views. My hopes and desires run earnestly and strongly in one direction, and I believe that to be the direction of the general opinion of the country; but I would not ask for an express declaration from Ministers at a time when I feel it is difficult for them, consistently with their duty, to lay such declarations before us.

MR. BAILLIE COCHRANE thought that his noble Friend, in saying things that would irritate the mind of the country at the time when Sir Garnet Wolseley had received his new appointment, had chosen an unfortunate moment for uttering his sentiments. From the brilliant abilities and great military character of Sir Garnet Wolseley, they might be perfectly confident that whatever military operations he would undertake would be carried on satisfactorily, and to the honour and glory of this country. He still thought it was the duty of the Government, at the earliest opportunity, to make peace; and he hoped that they would give no encouragement to any desire of revenge that some persons might feel with reference to the cruelties which had been inflicted on our men.

MR. CHAMBERLAIN said, that after what had fallen from the right hon. Gentleman (Mr. Gladstone), he did not propose to continue the discussion any further. It would be in the recollection of the House that on Friday last he gave Notice of a Resolution which bore on the subject before the House, and he thought it would be convenient that, under the circumstances, he should state that, in his opinion, the terms of the Resolution had now become inappli-

cable to the situation, and he, therefore, proposed to remove it from the Order Book. He was glad to think that the greater part of the suggestions contained in that Resolution had been practically conceded by the Government. They had, in the strongest language, deprecated a war for revenge, or a war for the increase of territory, and had declared their intention to instruct Sir Garnet Wolseley, not merely to receive, but to entertain, any proposals that might be made for peace. There was only one point upon which the Government had not up to the present expressed their opinion. He did not press for an explanation; but he wished to point out to the Government that if they did not take care that Sir Garnet Wolseley was instructed not to insist on the full terms which were demanded by Sir Bartle Frere, then, most certainly, this country, against the wishes of the Government, against the wishes of Parliament, and against the wishes of the majority of the people of this country, would be drifted into that annexation against which they all so much protested. He trusted that care would be taken to prevent such a thing occurring.

SIR ROBERT PEEL said, he entirely agreed with what the hon. Member had just said; and he thought that after the declaration of the Government, which was of a character which must be satisfactory to the House and to the country, it would be idle to pursue the discussion any further. He thought the hon. and learned Member for Louth (Mr. Sullivan) ought to be satisfied with the conversation which had taken place, and with what had been said by the Government. As he stated yesterday, he rejoiced that the Government had taken the course they had done, and he thought it was an augury of a satisfactory solution of the question; but he must protest against one expression which fell from the right hon. Gentleman opposite with regard to Sir Bartle Frere. No doubt, he was a man of great social position and of great ability, and one who had done great services to the country; but, then, they must remember that in South Africa he had been a signal failure; and he was sure that if the Government had acted earlier in the matter, as they were wanted to do, and as they were now doing, a great deal of trouble and difficulty would have been obviated. The

right hon. Gentleman (Mr. Knatchbull-Hugessen) was always very ready to give credit to those who sat near him when anything good was done. But it was from below the Gangway, and not from the front Opposition Bench, that the question had been given in the present case; and when he heard hon. Gentlemen say they were glad to find that the Government had at length come round to their "views," he said that was not a fair way to look at the position. If hon. Gentlemen had read the Papers, as he and many others had read them, they would have seen that the policy of the Government from the beginning was contrary to that which Sir Bartle Frere had pressed upon them. Although he had been as vigorous as others in opposing the policy which had been pursued in South Africa, he had always maintained that it was a policy which was forced on the Government contrary to their wishes and their intentions, as indicated in the Blue Books in their hands. He would only add the further observation, that he most earnestly hoped that in sending out Sir Garnet Wolseley to South Africa, he was sent there with a message of peace. They read only that day that arrangements were made for sending 23,000 men into Zululand. God forbid that that should be done! When the right hon. Gentleman said he wanted to see the honour of the country maintained, he replied, so did they who had agitated on the question. The honour of the country was as dear to those who had resisted the aggression as to any hon. Gentleman on that Bench. But what they did want to see, where there was an enemy, with whom we had quarrelled, who sought our friendship, and who sought mercy at our hands, was, that now we should not refuse to him that mercy, but make with him those terms of peace which he was anxious to obtain—

"The quality of mercy is not strained;
It droppeth, as the gentle rain from heaven,
Upon the place beneath: it is twice blessed;
It blesseth him that gives, and him that takes."

He hoped that would be the principle which would guide Her Majesty's Government in dealing with the question. He hoped that with all the power of this country they would endeavour to make peace, and to show mercy to an enemy who had resisted, but against whom there

was now such a formidable Force in the field; and he must warn the Government that if, in sending out Sir Garnet Wolseley to the Cape they intended to promote a system of aggression, the country would be as dissatisfied with Sir Garnet Wolseley as they had been with Sir Bartle Frere. He believed the intentions of the Government were other than those; and with that hope, and in that expectation, he looked forward to the prospect of an early peace and a satisfactory settlement of that grave and serious question.

MR. KNATCHBULL-HUGESSEN explained that what he had said was that the Government had come round to the policy of those who wished Sir Bartle Frere to be superseded, and he himself had spoken in the late debate to that effect, so that he had assumed nothing but what was, as regarded himself, strictly true.

MR. COURTNEY wished the Government to make some statement with regard to their intentions in respect to the Transvaal. Sir Garnet Wolseley was to go out to South Africa not merely as Governor of Natal, but also as Governor of the Transvaal, and was to supersede both Sir Henry Bulwer and Colonel Lanyon; and he thought it would be satisfactory to the House, if some statement was made with regard to the instructions which were to be given to the High Commissioner with respect to the Transvaal. He thought the conduct of the Boers had been worthy of respect and consideration. A good deal had been made out of the camp at Pretoria; but really the camp at Pretoria was nothing more than an unmistakable demonstration against the annexation of their territory, and the Boers had carefully refrained from adding to our embarrassments when we were at war with the Zulus. He complained that notwithstanding this action on the part of the Boers, and their friendly reception of Sir Bartle Frere, the moment his back was turned a battery was sent into their territory to overawe them. It would be extremely satisfactory if the Chancellor of the Exchequer would give the House some assurance of a general character that the attitude of the Government towards them was not one of determination to retain, against all resistance, any power of supremacy which had been obtained, in the first place,

Sir Robert Peel

through fraud, and which had since been maintained by force.

THE CHANCELLOR OF THE EXCHEQUER: Sir, with reference to what has fallen from the hon. Member for Liskeard (Mr. Courtney), I can only say that, at the present time, we are waiting for, and expecting, a communication from Sir Bartle Frere, which will give us fuller information as to the proceedings that took place at Pretoria. We have, to a certain extent, that information, having received it in a telegraphic form; but we shall receive fuller information from the Memorial which we understand has been drawn up and given to the High Commissioner to forward. With regard to the stories which have appeared in the newspapers as to a Force having been sent into the Transvaal for the purpose of overawing the Boers, we are only informed that a party of Dragoons has been ordered into that part of the Colony, but for what purpose is not stated, and it would, therefore, be premature to express any opinion as to the rumours which are floating about. Whenever a communication is received—which, I have no doubt, will be very shortly—Her Majesty's Government will take it very fairly and fully into consideration, and will give the necessary instructions to Sir Garnet Wolseley with regard to it. I do not think this is a convenient opportunity for raising a discussion on that large question. With regard to the conversation which has taken place to-day, though there have been expressions used and opinions stated which I regret, yet I am not disposed to take exception to the general tone of the discussion. But I hope I may be excused from entering, on the part of the Government, as largely and freely into this question as some hon. Members have felt themselves able to do; because it must be borne in mind that the Government are, in this matter, under very heavy and serious responsibility. What we may say is one thing; but we have to consider both the effect of what we may say and the effect of what we may do, not only in this country, but in the Colonies and in the large regions for which we are responsible. And bearing in mind how very complicated the circumstances of the case are, and how many considerations must be taken into account, I feel that the tone of the House generally has been the true and right

one. But whilst hon. Members are anxious to express their opinions, and to put before the Government the considerations which they think ought to weigh with us, they would not desire to force us into declarations which may be embarrassing from their minuteness, or which may impede, possibly, the very objects which we all desire to bring about. I have noticed a certain inclination in different parts of the House to credit the Government with a new policy. I am bound to say that I do not admit the justice of the observations which have been made, nor that any step which the Government have resolved upon taking offers any concession whatever, or any departure whatever, from the line of policy which we have hitherto pursued. Under the circumstances of the case, as they at present present themselves, we have thought it right to take a particular step, which we believe to be a right and wise step, and the motives for which we have explained in the few words which I addressed to the House yesterday, when I stated that it was necessary to concentrate the civil and military powers of the different authorities in a single hand, and it was important and desirable to take the opportunity of Sir Garnet Wolseley going out to South Africa to give him full and confidential, and fresh instructions as to the policy which Her Majesty's Government desired to pursue. What is that policy? We have explained from the beginning it is not one of annexation; neither is it one of what might be called revenge.

Message to attend the Lords Commissioners;—

The House went;—and being returned;—

Mr. SPEAKER reported the *Royal Assent* to several Bills.

THE WHITSUNTIDE RECESS.

Question again proposed, "That this House, at its rising, do adjourn until Monday 9th June."

THE CHANCELLOR OF THE EXCHEQUER: I have but a very few words with which to detain the House. What I was saying was this—that the policy of Her Majesty's Government with regard to South Africa had neither been a policy of annexation, nor certainly a

policy of anything that could be called revenge. It was a policy the main object of which was directed to the establishment of secure and satisfactory relations for Her Majesty's Colonies in that part of the world. We have to consider the position of those who occupy the territories under the Sovereignty of the Queen. We have to consider what arrangements ought to be made in order to promote the welfare of those Colonists, and preserving peace between them and their neighbours. Now, it is quite obvious that for that purpose it is important we should be — and should appear to be — strong and powerful ourselves, so as to maintain satisfactory relations with our Native neighbours. These are the relations we desire to promote, and we earnestly hope we shall be successful in their establishment. I do not think it would be at all likely to promote that object that we should attempt too tightly to tie the hands of a man like Sir Garnet Wolseley, who goes out with all his experience of the country, with a thorough knowledge of the spirit which animates the Government, who possesses sympathy with that spirit, and who has an earnest desire to do all that he can not only to bring the war to any early conclusion, but to bring about a satisfactory settlement which may be of an enduring character. We are anxious in every possible way to promote that; and I trust the result of the step we take will be an end of the war, and that the Colonies will enter upon a state of peace, of which they have had but little experience.

SIR CHARLES W. DILKE thought that if the House was quite satisfied that the reasons given by the Government for their change of front in their Zulu policy were the exact opposite of their real reasons, they would be very well contented with what had been done. When he had brought forward his Motion, some time since, he pointed out that the Government having censured Sir Bartle Frere ought to remove him from his post, which they at that time refused to do, and stated that he continued to have their confidence. But now they had taken a step which was tantamount to removing him, and the reason they gave was that it was necessary to concentrate the command. But, as a matter of fact, there would be no concentration of command at all; for

just as Sir Bartle Frere was High Commissioner, so Sir Garnet Wolseley would be High Commissioner now, in a portion, but not the whole of South Africa, and Sir Garnet Wolseley would hold the supreme command in that part just the same as Sir Bartle Frere did before. It would now be necessary to cancel the commission which was given to Sir Bartle Frere, because the powers given by that commission were obviously the powers that would in future be exercised by Sir Garnet Wolseley. They must, therefore, accept the action of the Government as a change of front in policy, whatever reasons they might put forward for the change. With regard to the speech made by the noble Lord (Lord Elcho) he was very sorry, indeed, to hear such statements made, which, he feared, were calculated to stir up an ill feeling in the country, and to prevent that peace which all so much desired. He also wished to state that the stories which he gave to the House with regard to Cetewayo—and notably that in which he was stated to have covered his prisoners with honey and put them in an ant's nest—had no foundation, and there was not the slightest scrap of evidence to support them. He strongly deprecated such statements being made.

MR. RYLANDS said, he could not help feeling that the House and the country should know on what grounds the Government were going to act, or what they were doing. It was quite evident to hon. Gentlemen in the House that the sending of Sir Garnet Wolseley into South Africa was not simply to concentrate the command—that was put forward as a specious reason. They knew there was a much graver and more pressing reason on the minds of the Government, and the point which he wished to press on the Secretary of State for the Colonies was this. Was it intended that the powers conferred on Sir Bartle Frere by his commission should continue so as to overlap and conflict with those given to Sir Garnet Wolseley? [The CHANCELLOR of the EXCHEQUER: No.] He was glad to hear that, and therefore he presumed the House would be justified in assuming that the powers given to Sir Garnet Wolseley would be supreme, and would reduce those given to Sir Bartle Frere; but he should like an explicit statement on the question.

The Chancellor of the Exchequer

GENERAL SIR GEORGE BALFOUR said, he rose to speak in defence of an absent man. In his opinion, he was a most ill-used man. He had been sent out to act in circumstances of considerable difficulty, and when he had done his best in those circumstances he was visited with censure. He called upon the hon. Baronet the Member for Chelsea to say whether there were in the instructions given to Sir Bartle Frere nothing to vindicate his action in Africa? He thought he had been treated most unjustly. The Government, whose policy was distinctly annexational in the time of the Earl of Carnarvon, had given him very large instructions, and though Sir Bartle Frere had not exceeded those instructions, the Government had now left him in the lurch. His conduct being disapproved of by the Government, it would have been merciful, kindly, yea only honest, to have recalled him at first, instead of throwing him overboard in the way they were doing now into the humbler position of mere Governor of the Cape.

MR. PARNELL gave Notice that in consequence of the withdrawal of the Motion of the hon. Member for Birmingham (Mr. Chamberlain), he would use all the Forms of the House against any further Votes of Supply for the Zulu War until the Government had submitted to the House the terms on which Cetewayo would be admitted to peace.

SIR MICHAEL HICKS-BEACH : I should not have thought of detaining the House for a moment if it had not been for the remarks which fell from the hon. and gallant Member opposite (Sir George Balfour). He appears to me to be under an entire misconception as to the action of the Government with reference to Sir Bartle Frere. He spoke of him having been thrown over and dismissed with disgrace. Nothing whatever of the sort has occurred, or is intended. The whole course of this debate and that of yesterday shows, I venture to say, the great disadvantage of attempting to discuss a question without the Papers relating to that question. Had the hon. Member for Burnley (Mr. Rylands) only waited till he had seen the terms of the commissions which are drawn up, and will be issued at once, he would have seen that the functions of Sir Bartle Frere and Sir Garnet Wolseley are distinctly defined, those of Sir

Bartle Frere having to do with one district of the country and those of Sir Garnet Wolseley with another, and that neither will interfere with the conduct of affairs by the other. I was glad—and I am sure the House also was glad—to hear the expressions of sympathy which fell from the right hon. Gentleman the Member for Greenwich with reference to Sir Bartle Frere. He has borne eloquent testimony—such testimony as, perhaps, he alone could bear—to the abilities and character of Sir Bartle Frere and to his conduct amid difficulties which were almost unprecedented in the history of any Colonial Government. But I will venture to say for myself that neither in this House nor out of it have I ever for a moment hesitated to bear similar testimony to the utmost of my power. It has been asked what the position of Sir Bartle Frere will be on the arrival of Sir Garnet Wolseley in South Africa? His position will be similar to that occupied by previous Governors and High Commissioners of the highest standing. It is further asked, Why is it necessary to make this change? It is very easy for hon. Members opposite to assume certain reasons, which exist only in their own imaginations, and not to credit the Government with a belief in the reasons they themselves put forward; but the real reason for the change is precisely what was announced to the House in the course of yesterday's discussion by my right hon. Friend the Chancellor of the Exchequer, and no other. The reason is this—that it is necessary, under the present circumstances, to unite in the hands of a single person the functions of civil and military administration in that district of South Africa which is in the neighbourhood of the seat of war; and that is utterly impossible for anyone holding the position of High Commissioner in South Africa at the present crisis to conduct affairs in the district, and, at the same time, to deal with the important matters with which he must deal at Cape Town. It is very well known to the House that for months past Sir Bartle Frere has been absent from the scene of his ordinary labours at Cape Town. During that time questions have arisen connected with the Cape Colony and its borders of the very gravest importance to this country and the Colony. I may refer to one—the settlement of the

question now pending between the Government of Cape Colony and this country as to the expenses of the late war. I may refer to another—the position of the Province of Griqualand West in relation to the Cape Colony. Again, there is the question how the valuable Acts passed by the Cape Parliament for the defence of the Colony in the last Session can best be carried out. In connection with all these measures the co-operation, and even the direction, of Sir Bartle Frere are absolutely required by the Ministers of the Cape Colony. But beyond and above all this is the great question of the Confederation or Union of the several Colonies or Territories in South Africa that Sir Bartle Frere was specially sent to endeavour to promote, to which he has devoted singular and special attention, and which he will be instructed at once to bring before the Cape Parliament when it commences its Session next month. These are all matters of the gravest and highest importance to the interests of South Africa and this country, and are amply sufficient to tax the energies of any one man, even though he possess the abilities of Sir Bartle Frere; and I will venture to add that if hon. Members will consult their maps, as they have been advised to do by the noble Lord (Lord Elcho), and bear in mind that Cape Town is 1,000 miles from the seat of war, the extreme difficulty and delay of any postal communication, the impossibility of conducting serious affairs solely by electric telegraph, and the great distance even of the nearest point of the telegraph from the seat of war, they will see that it has become absolutely necessary for a time to divide this great office, and give that portion of it covering the seat of war to a new head, and into the hands of a single person. These are the reasons for the course taken by Her Majesty's Government, and they will be still more fully expressed in the Papers, which I hope will be in the hands of hon. Members on Thursday or Friday morning. The terms of the commissions will be included in those Papers; and if any further question or discussion should arise on them the Government will be prepared to meet it.

SIR WILLIAM HARCOURT: I must say that there is not one single reason among those which the right hon. Gentleman has now stated for the course the

Government has taken which did not exist in full force two months ago, when the hon. Baronet the Member for Chelsea brought his Motion forward. The right hon. Gentleman says that Cape Town is 1,000 miles from the seat of war. Why, it was 1,000 miles away two months ago. He says the telegraph is not adequate to carry on detailed communications; but the telegraph communication is not less adequate now than it was then. You knew that you had to send out reinforcements; that you were going to enter on a campaign; that Sir Bartle Frere must meet his Parliament at the Cape, and conduct all these transactions with reference to Confederation; and really for the Secretary of State for the Colonies to get up gravely now, and tell us these things—every single one of which was in their minds and in full force two months ago, when we had the debate on the hon. Baronet the Member for Chelsea's Motion, when the Secretary of State himself told us that no man except Sir Bartle Frere, from his knowledge of the circumstances, whatever errors he might have committed, could conduct these affairs successfully—is, I think, presuming too much on the patience of this House. It is also, I think, calculated to have a prejudicial effect on the public mind, which the Government should deplore. I venture to say that the reason why both sides of the House and the country outside approve of the course the Government have taken is for a totally different reason from any of those stated by the Secretary of State for the Colonies. The reason why the House and the country approve of that course is because they believe and hope that Sir Garnet Wolseley will carry out the policy of Her Majesty's Government in a very different spirit from that in which it was carried out by Sir Bartle Frere. It is the real cause of the satisfaction with the change; and what possible object the Secretary of State for the Colonies can have in destroying that expectation, that hope, and that conviction in the public mind, by putting the reason for the course they have pursued on a totally different basis, I cannot understand. If the country has really to take his account of the matter, they would derive small satisfaction from it. It is because they thought that the alleged reasons were not true—that the true reasons were totally different—that

Sir Michael Hicks-Beach

the course taken by the Government has given satisfaction. Therefore, I do regret that the Secretary of State for the Colonies should have thought it right to give such reasons. It may be all very well to set up this theory for their action, for the sake of Lord Chelmsford or Sir Bartle Frere; but it is not from that point of view that the change is regarded with satisfaction, but because the people believed that Sir Bartle Frere was pursuing—honourably and conscientiously no doubt—a policy which the Government did not desire, and which the country did not desire. That is the reason they are glad to see it placed in different hands; and to tell us that it is merely a matter of concentration of power is unsatisfactory. I think it a great pity, when the Government come forward to announce a determination of this character, that they should not have had all the Papers ready and delivered them to the House at the time. We see that continuous Cabinet meetings have been held, and I cannot see why they should not have had these important Papers ready to deliver. All I can add is, that I hope the real reasons actuating the Government in making this change in the affairs at the Cape are not the reasons which they have alleged; because if they are, I believe they will have destroyed the whole satisfaction which the country has felt.

[The subject then dropped.]

AGRICULTURAL DEPRESSION IN IRELAND.—OBSERVATIONS.

MR. O'DONNELL said, he was pleased with the frank but tardy conduct of the front Opposition Benches, in at length acting upon the policy so long since advocated by the seven Irish Home Rule Members. If the Government could not, within the ordinary time available for Public Business, give an opportunity for the discussion of urgent Irish subjects, they should reduce the Whitsuntide Holidays in order to afford the necessary time for that purpose. Much of the time of the House had been taken up by discussions provoked by the innumerable blunders of the Government. He rose for the purpose of calling attention to the deplorable and unendurable condition of the landed interest in Ireland. It was impossible that agriculture could be developed in

Ireland—that Irish tenants could put that labour, skill, and capital into the land upon which the flourishing state of agriculture depended, so long as insecurity of tenure hung over the head of the tenant. The present system was a premium in favour of sloth and negligence, and an obstacle to diligence and the advance of every kind of prosperity. Two hundred and ninety landlords owned one-third of the Island, and 744 owned about half; and the question was, was the prosperity, or the chance of a livelihood, of 1,000,000 homesteads to depend upon a small battalion of 750 persons, monopolizing half the land—750, with their sisters, and their cousins, and their aunts, in comparison with the entire population of Ireland? The Land Bill of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) was a monument of the good intentions of the right hon. Gentleman rather than of the capacity of English Parties to deal with Irish questions. If Irish tenants were to continue to be subject to the evils of capricious eviction, to the screwing up of rents beyond the point of endurance, to confiscation of improvements—if that was to continue much longer, Parliament would have to solve a greater problem than that which startled them a few years ago, when the whisper of liberty reached Ireland from the other side of the Atlantic. He should move an Amendment to the Motion for adjournment to the effect that the adjournment be only till June 2nd, instead of till June 9th. He did not know whether those who were devoted to Irish legislation would present such attractions to English Members as to induce them to give up the enjoyments of the country in order to take part in Irish discussions; but he was sure that the majority of the popular Irish Members would be quite prepared to take full advantage of any extra time that might be given to them for the consideration of Irish Business. If the English Members absented themselves, it would only be carrying out the policy they generally pursued. They usually absented themselves from the discussion of Irish Business, and presented themselves only when it was necessary to vote down Irish demands. If during the extra week, which he proposed to give for the discussion of indispensable Irish Business, the English Members absented themselves from the

Divisions, as well as the discussions, he was not sure that it would not be hailed as a long-desired improvement. If the Government were not prepared to grant them the House next week, he hoped they would grant them time for the discussion of two or three of the most pressing Irish grievances which demanded a remedy. By attempting to postpone the redress of Irish grievances—particularly the unendurable evils of the Irish tenant system—they would not succeed in avoiding or evading the energetic prosecution of those questions by the Irish Representatives in Parliament. He concluded by moving his Amendment.

MR. JUSTIN MCCARTHY, in seconding the Amendment, said, he had not the slightest desire to interfere with the holidays of hon. Members; but he thought it would not be right that the House should separate for the Whitsuntide Recess without some words being spoken as to the question which was most important to the Irish people. They had been occupied three hours in discussing the foreign policy of the Government. Not a moment of that time was wasted. It was most properly given up to that great subject. He only regretted that it had not been possible to extract more clearly the genuine intentions of the Government with regard to South Africa. But that time having been occupied fairly, it was not too much to ask the House to give a few minutes' consideration to a question of the greatest importance to Ireland. Think of how little importance to Ireland, except for the loss it entailed in men and money, was this war with its doubtful glory! Let them, therefore, turn their attention to the Land Question in Ireland. He knew there was a theory that when war was going on the attention of the Government was absorbed in it, and that it was almost impossible to withdraw their attention to matters of domestic interest. But even if they accepted that ancient theory with regard to the great Leaders of the Government, it could not be held that the heads of the various Departments were equally absorbed. He could not imagine that the Chief Secretary for Ireland was passing anxious days and feverish nights turning over the maps of South Africa to find a policy for his Chief. He had very little doubt that were the Chief

Secretary provided with a mission to South Africa, he might with his blandishments tempt Cetewayo over very soon to good terms of peace; but he had no such mission, and it was not too much to expect that even amid the clash of arms the right hon. Gentleman should be able to give a little of his attention to Ireland. The Chief Secretary had an able Colleague in the Irish Attorney General, who was officially free to take only an historic interest in these great wars, and who might find some time to bestow on the Irish Land Question. He was perfectly certain that the distress in Ireland had become so great as to render an attempt by Parliament to deal with the question imperative and unavoidable. They heard from farmers, priests, and peasants alike, that the crisis was imminent, urgent, even perilous. He was speaking the other day with an Irish landlord on the Conservative side of the House, who assured him that he had never known a season so bad for many of the Irish tenants. He told him that he had written to his agent only to press for rents from the men who really could pay, and to be lenient with those who could not, and that the agent wrote back to say that none were able to pay, and that they were all sufferers alike. That was a condition of things representative of the Land Question in at least one or two counties in Ireland, and surely it was one which ought to attract attention from the House of Commons. One or two Motions had been introduced during the Session which seemed to point to some promise. There was the debate on the Motion of the hon. Member for Reading (Mr. Shaw Lefevre) on the "Bright Clauses" of the Land Act. They had a flat denial of assistance from the Chief Secretary for Ireland, and then a liberal promise from the Chancellor of the Exchequer. Now, the Irish Members would like to know before the House separated whether anything was going to be done—whether any efforts were to be made to improve the condition of the tenantry of Ireland; or whether the only contribution the Chief Secretary was about to offer was his piece of legislation for the regulation of dogs in Ireland? That Bill rather reminded him of an amusing passage in the pleasant story of *Alice in Wonderland*, where some one of the

Mr. O'Donnell

mysterious personages found Alice weary, and tired, and gasping with thirst, and said to her—"Oh, you poor little girl, I know exactly what you want—you want a dry biscuit." That was the kind of contribution which the Chief Secretary had made to the settlement of the Irish Land Question. He appealed to the House not to go away for the Holidays until the Government had made some promise and given some assurance with regard to the Irish Land Question. He hoped he would not be met with the stereotyped excuse that such an appeal was interfering with the Business of the House. Nothing could be more legitimately or more urgently the Business of the House than that the Government should give some assurance to the Irish peasantry which might send them a gleam of hope, and let them know even when Parliament was not sitting there, yet that some thought would be taken of their condition, and that some effort was about to be made to improve their future.

Amendment proposed, to leave out "9th," in order to insert "2nd,"—(*Mr. O'Donnell*,)—instead thereof.

Question proposed, "That '9th' stand part of the Question."

MR. O'CONNOR POWER supported the Amendment, and expressed a hope that some Member of the Government would answer the two able speeches that had just been delivered. When a majority of the Representatives of a nation came solemnly before the Legislature to make a proposal, it was their duty to urge the proposal in and out of season, at convenient and inconvenient times, and to select especially those occasions on which they were likely to attract the attention of the country. This was the position of the Irish Members in that House with regard to the Land Question. He complained that there had been a want of candour on the part of the Government in appointing a Committee on the subject of the Irish Land Laws the Session before last. After that Committee had been at the trouble of investigating the subject, and coming down to the House with distinct recommendations, the Government had taken no pains whatever to carry out those recommendations. They had even failed to give any satisfactory promise

that they intended to carry them out. Again, when a private Irish Member had this Session presented a Bill to secure fixity of tenure, it had been received with but scant courtesy from the Government. How long did they think the Irish people would submit to have their grievances postponed for the convenience of the Government? The patience of the Irish people was well nigh exhausted; and if Parliament did not come forward within a reasonable time with some measure of legislation calculated to relieve the depression of the present state of agriculture in Ireland, scenes would arise in Ireland that would be far more dangerous to the rights of property and to the order and tranquillity which should prevail in that country than any that Ireland had been afflicted with in her long struggle with the ignorance, if not the incompetence, of the English Parliament. If these warnings were unheeded, and Parliament should plead for further delay, the consequences must be fixed on their own shoulders.

MR. SULLIVAN said, there could be no doubt that there was alarming distress amidst the agricultural interests not only of Ireland but of Great Britain, and was sure that when the case was fairly and reasonably presented to hon. Members they would feel that, however serious might be the state of matters in Afghanistan and South Africa, they ought to turn from those places to the interests of Great Britain and Ireland. An hypothetical advantage might be gained from this country making another sweep of territory in South Africa, a territory which they could not colonize, but precious land at their own door was at that moment being thrown upon the hands of landlords, because tenants were not able to cultivate it. He would neither express, nor join in expressing, any wholesale indictment against the landlords of Ireland. They fell, in his opinion, far short in many respects; but he had never failed to admit that in their errors and shortcomings they might be the creation and the creatures of circumstances, and that they possessed a great many excellent qualities which were not always remembered. When he looked at the English newspapers, what was the story which he read on every hand? It was a story of farms, untenanted and arable, to be let; but, at the same time,

and more important in its significance, and certainly very commendable to the English landlords, it was a story of reductions of rents on the part of those gentlemen. It was with extreme pleasure he observed that amongst the first of the English landlords who had adopted this kindly, humane, and just course of procedure, was the first Commoner of England, who had the proud privilege of presiding over the deliberations of the House of Commons. But let them cross the Channel to Ireland, and did they there see a similar line of conduct to that of the English landlords as a palliative to the fast prevailing distress? He was bound to say that he saw nothing like it. There might be a solitary instance or two where the example had been followed; but there was no attempt on the part of the body of Irish landlords to imitate the English landlords in this particular matter. It was not from any intention to play the part of Shylock that this state of matters arose; but an evil tradition prevailed in Ireland, whereas a kindly custom prevailed in England. The tradition, as regarded Ireland, was that the distress was all pretended; and in England the landlord felt that the tenant was part of himself. He entered quickly into his sympathies, and he provided for him when the necessity arose. In the depth of the Irish Famine, when it was already eight or ten months old, that Famine in which 1,000,000 souls were lost, the hon. Member for North Warwickshire (Mr. Newdegate), who was not a hard-hearted gentleman by any means, absolutely declared at a farmers' dinner in England that the cry of famine in Ireland in 1847 was a pretence of agitators. The hon. Member laughed at it. He scoffed at it, and there was a considerable misleading of public opinion on the subject. There was yet sufficient time on the part of the Legislature to take preventative measures and to grapple with the evil. He maintained that the House owed a great deal to the Irish agricultural interests, and that Great Britain had never repaid in money, or in money's worth, what was due by it upon a fair balance to Ireland when England adopted Free Trade. England adopted Free Trade because the manufacturing element was predominant in her councils; and the agricultural interests of Ireland were sacrificed to what was

rightly believed to be the general interest of the time. England was a manufacturing country, and it was her right to have Free Trade; but the agricultural Ireland was destroyed for the moment by that measure, which meant the sweeping away of thousands of acres, and which involved the destruction of thousands of Irish farmers, and the enforced emigration of thousands of the Irish peasantry. At the period of which he spoke it would only have been a just act on the part of England to have compensated Ireland with, at least, £20,000,000, £30,000,000, £40,000,000, or £50,000,000. Parliament would be forced to deal with the question of what was to become of the agricultural interests of the country. He recollected the present Prime Minister achieving one of his greatest triumphs by moving a Resolution as to the necessity of considering distress which prevailed amongst those interests; and he hoped that on the present occasion the country Gentlemen in the House would, irrespective of Party, agree to unite in impressing upon the Government the desirability of affording an assurance that, on the re-assembling of the House after the Holidays, an opportunity would be given for considering the position of the Irish and the British farmer—in other words, that an hour would be taken from the Antipodes to consider the exigencies of our position at home.

Mr. CHAPLIN said, he had listened with respectful attention to the Notice of Motion given by the hon. Member for Meath (Mr. Parnell), because the condition of agriculture, both in this country as well as in Ireland, was that of the gravest depression, and there was no doubt they were justified in saying that the depression was of such a character that it deserved the attention of the Government. What, however, he wished to point out was that he did not think any practical result could be found by pressing the Motion on that occasion; because he had placed a Motion on the Paper to inquire into the condition of agricultural affairs in the whole of the United Kingdom and Ireland. After the Motion for the adjournment of the House was carried, a ballot would take place, and he hoped to be successful, and secure a day after the Whitsuntide Recess; but if he did not, he fully intended to ask the Government if it

Mr. Sullivan

would not be in their power to afford him facilities for bringing forward a subject of such vital importance to a large portion of the population, not only of England and Scotland, but also of Ireland?

MR. PARNELL said, he knew from experience that great agricultural distress prevailed in Ireland. He was talking the other day with a collector of the cess tax, who told him that he had never had such great difficulty since 1847 in getting money from the farmers. Owing to the great depression, and to the competition of the American market in corn, meal, and butter, the profits of the farmer had gone down considerably, and he knew that both the graziers and the small farmers experienced the greatest difficulty in making both ends meet. He believed that even on fairly-rented properties, it was a necessity for the tenant to have such security of tenure as would develop to the fullest the capabilities of the soil. Ireland at present was not more than one-third cultivated as it ought to be, and even its cultivated lands ought to produce three times as much as they did. It was necessary for the House to consider how best to devise a measure for the protection of the industry and exertions of the tenant—a measure of protection for the value which he added to the land; and he had no hesitation in saying that they must be prepared to adopt an exceptional measure of land reform for Ireland, as compared with England. He would not prolong the discussion on that occasion; but, unless the Government were ready to afford some opportunities for the consideration of this subject after Whitsuntide, and unless they intended, at all events, to do something in the direction of the recommendations of the Select Committee that sat upon the matter last Session, under the Presidency of the hon. Member for Reading (Mr. Shaw Lefevre), the question was one which would have to be taken up by the Irish Members in a firm and determined fashion. It was one which deeply affected their constituencies; and even if they were disposed to hang back a little on the subject, the constituencies would not allow them.

MR. MITCHELL HENRY thought the Irish Representatives were entitled to know whether Her Majesty's Govern-

ment were prepared to adhere to the declaration which was made by the Chief Secretary during the last debate on this subject—That any proposal calculated to give the Irish tenant security in his holding was a measure which might be called a measure of confiscation and of Communism? He had listened to a great many debates on the Land Question in that House. He had heard a great many unfavourable replies from Governments on both sides; but he had never listened to language which had produced a greater sense and feeling alike of consternation and of anger throughout Ireland than that of the right hon. Gentleman. It was only natural that his hon. Friend (Mr. O'Donnell) should ask for some declaration on the subject before the House adjourned for the Holidays. He was glad to find that the Motion of which the hon. Member for Mid-Lincolnshire (Mr. Chaplin) had given Notice would include the case of Irish agricultural depression; but he warned the Government against the way in which they appeared to be treating the question. Did Her Majesty's Ministers suppose that the interests of good government in this country, or the Business of the House of Commons, would be promoted by their obstinately preserving a contemptuous silence on the matter? The Irish Members were in earnest on the question. They knew their own minds upon it; and they were backed by 5,000,000 of people across the water. They were determined to vindicate their rights, by quiet and orderly means if possible; but they were prepared, if need be, to resort to all the means which the House had put into their hands in order to bring before the Legislature and the country the great interests which they were sent there to represent.

MR. J. LOWTHER said, the hon. Gentleman had complained that Her Majesty's Government viewed with *non-chalance* the distress which existed among the agricultural classes in Ireland. If the sentiments evoked in the breasts of the Government were those of *non-chalance*, it, at any rate showed that they were not too thin-skinned with respect to expressions which hon. Members made use of about their individuality. He did not complain of the plain-speaking in which the hon. Gentleman had indulged, and must claim a similar

privilege himself, and say that he must adhere to anything that he had said standing in that place on former occasions; but that in nothing which he or any of his Colleagues had said had they ever expressed any want of sympathy with the depression which he admitted to exist in the agriculture of Ireland. He was glad, however, to think that that depression, although undoubted, was neither so prevalent nor so acute as the depression at present existing in other parts of the United Kingdom. He thought that the hon. Member for Mid-Lincolnshire (Mr. Chaplin) had done good service in drawing the attention of the House to the fact that the Motion which he proposed to bring forward would deal not merely with an isolated branch of a great subject, but would deal with the entire question in all its bearings. That Motion would afford a legitimate opportunity for the expression of opinion on the part of hon. Members representing all sections of the United Kingdom. In the course of the debate, allusion had been made to the landlords of Ireland as not having been so generous as the landlords of England in regard to agricultural depression; but it was the fact that great personal sacrifices had been made by many of them in their efforts to relieve the present distress. In justice to the landlords of Ireland, he had thought it right to say so much. He trusted the House would not disperse for the Recess in the spirit of the hon. Member for Galway, or with any idea in their minds that the landed distress in Ireland was viewed with unconcern by Her Majesty's Government, who had every desire to see what could be done to remedy it.

Amendment, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolved, That this House, at its rising, do adjourn until Monday 9th June.

ORDERS OF THE DAY.

EAST INDIA LOAN [CONSOLIDATED FUND].—REPORT.

Resolution [May 26] *reported*.

SIR GEORGE CAMPBELL remarked, that the first stage of this Resolution

Mr. J. Lowther

was taken very late last night, and was passed *pro forma* on the understanding that the subject should be discussed at a later stage, and that the present stage should be taken at a reasonable hour. There were many Members who exceedingly objected to the course which the Government proposed to take in the matter; and, therefore, if the present stage was to be also regarded as only a matter of form, he hoped that a full opportunity for discussion would be given at a later stage.

THE CHANCELLOR OF THE EXCHEQUER said, a full opportunity would be given; but it was desired to take that stage in order that the Bill might be printed. The hon. Member for Hackney (Mr. Fawcett) had just given Notice of an Amendment on the second reading, which would, no doubt, raise a discussion.

MR. FAWCETT regarded the present stage as purely formal.

Resolution *agreed to*.

Bill *ordered to be brought in* by Mr. RAIKES, Mr. EDWARD STANHOPE, and Mr. CHANCELLOR of the EXCHEQUER.

METROPOLIS (LITTLE CORAM STREET, BLOOMSBURY, WELLS STREET, POPULAR, AND GREAT PETER STREET, WESTMINSTER) IMPROVEMENT PROVISIONAL ORDERS CONFIRMATION BILL [*Lords*].—[BILL 176.]

Bill *considered in Committee and reported*, with an Amendment.

On Motion, "That the Bill, as amended, be considered upon *Tuesday* 10th June, at Two of the clock."

SIR CHARLES W. DILKE objected that this was the first intimation which the Government had given of their intention to take a Morning Sitting on that day.

SIR HENRY SELWIN-IBBETSON said, that the Morning Sittings had been taken at as early an hour in former Sessions, and the Government only followed their usual precedent.

SIR GEORGE CAMPBELL said, that considering the great difficulty in getting through the Business of the House, he was in favour of really setting to work in the mornings. As at present arranged, when so-called Morning Sittings were taken, the House did not sit longer

than otherwise—they sat 2 to 7 instead of 4 to 9—the only effect being to steal, as it were, the evenings given to Private Members, and to enable hon. Members to go to dinner who did not come back again, and so very frequently the time after 9 was also lost to private Members. He proposed that the Bills mentioned be considered at 11 o'clock on Tuesday, 10th June.

MR. SPEAKER: It is not competent for the hon. Member to move an Amendment of that character.

SIR CHARLES W. DILKE withdrew his opposition to the Morning Sitting in question, on the understanding that the Morning Sittings would be regular, and would thus put an end to the present uncertainty.

THE CHANCELLOR OF THE EXCHEQUER said, it was proposed to take Morning Sittings on Tuesdays after Whitsuntide, and it would also be then convenient to commence Business at a quarter-past 4, instead of half-past.

Motion agreed to.

HYPOTHEC ABOLITION (SCOTLAND) BILL.—[BILL 119.]

(*Mr. Vans Agnew, Mr. Baillie Hamilton, Sir George Douglas, Colonel Alexander.*)

CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill, as amended, be now taken into Consideration."—(*Mr. Vans Agnew.*)

MR. BAILLIE COCHRANE opposed the Motion, remarking that he was sorry to offer any opposition to the majority of the Scotch Members; but his action was certainly not in opposition to the majority of the Scotch tenants. He had hoped that the Scotch Members would have thought better of it, and would not have persevered with a measure which affected the whole rights of property. He would not waste the time of the House by repeating the arguments which were manifestly against the Bill. His hon. Friend (*Mr. Vans Agnew*) said that the law, as it at present stood, gave the landlord greater protection than all the other creditors. Of course it did. The land during the lease was, in point of fact, made over to the tenant to do

very much as he liked with, and the landlord ought to have prior claim for his rent over the tradesman who supplied the farmer with manure or with food and clothing. He much regretted that the Government had given their support to this Bill, and he trusted that even at that stage it would not be pressed.

SIR GEORGE CAMPBELL also thought it very undesirable that a Bill of this kind should be hurried through the House without that full discussion which hitherto it had not received. Hitherto he had taken a somewhat neutral position on this question; but he must protest against the assertion that there was a universal feeling in Scotland in favour of this Bill. His doubts were not in the interest of landlords, and in that he did not share the feeling of the hon. Gentleman (*Mr. Baillie Cochrane*); but he thought the opinions of the Scottish people were not so unanimous as had been represented. The fact was, that although there had been, doubtless, a considerable agitation and a very strong feeling on the part of an influential class of large farmers in support of the Bill, the remainder of the population were inactive, not understanding the nature, effect, or scope of the Bill, and thus not actually opposed to it. The constituency he represented was, of course, an urban constituency; but although they had been told that the passing of this Bill would be favourable to those who traded with farmers, he had failed to discover any enthusiasm in that constituency on the subject. He felt that those who had a practical knowledge of the matter would be more likely to understand it than he who had spent great part of his life away from Scotland; and if he had believed that any strong feeling existed in favour of the Bill, he might support it in deference to that feeling. Personally, as a matter of principle—and he had occasion to consider the matter narrowly—he did see great objection to the Bill as it now stood. He believed that if the measure passed in its present unqualified shape, it would render it exceedingly difficult to conduct necessary contracts between landlords and tenants, and especially in the case of the smaller tenants; and it was in the interest of the latter class that he asked that full consideration should be given to the subject. It must

naturally result from the passing of this Bill that not only the larger rural hypothec, but the smaller hypothec and the urban hypothec, and also the Law of Distress in England, must be abolished. He was convinced that it was necessary to cut the Law of Hypothec down to the narrowest limits; but if it were totally abolished, it would be illogical to retain the principle in any other form in any part of the Kingdom. It seemed to him, as the noble Lord (Lord Elcho) stated on a former occasion, that the conduct of the Government in the matter was open to the gravest suspicion, and that it was clearly the result of the prospect of the contest in Mid-Lothian. The Government could not honestly support the Bill, unless they were also prepared to support the proposition to abolish the Law of Distress in England and Ireland, and to abolish urban hypothec. He had consulted one of his constituents—a large grain merchant—who was likely to be well informed on the subject. That gentleman said to him—"You ought to support the Hypothec Bill." He replied—"That's all very well; but which is the Bill you would like me to support, because I could not approve of the abolition of hypothec without any restriction whatever?" The grain merchant said—"You are perfectly right; and he would be a fool who would propose simply to abolish the present hypothec, without something to take its place." That principle was universal in old countries, and also prevailed in new ones—America, for instance, and he doubted whether they could get rid of it.

MR. VANS AGNEW thought it unnecessary that he should now meet arguments which had been already used and discussed. Those arguments had, in fact, been thoroughly thrashed out, not only this Session, but in previous Sessions; but in reply to the hon. Members for the Isle of Wight and Kirkcaldy, who said there was not a consensus of opinion on this point in Scotland, he would remind them of the Division which took place four years ago, when, out of 45 Scotch Members, 42 were in favour of the abolition of hypothec. Again, the second reading of the present Bill was carried by a majority of 127, and out of 49 Scotch Members who voted, 47 were in favour of the second reading. He thought that was a complete answer

to those who said it was not the wish of the Scotch constituencies that this Bill should pass; and he was very sorry that a Bill which was so thoroughly wished for in Scotland should be opposed by hon. Members who either represented or came from Scotland.

MR. J. W. BARCLAY said, he could not understand the views of the hon. Member for Kirkcaldy (Sir George Campbell), and must express his regret that the hon. Member had been so long out of the country, and had not had the benefit of the discussion on hypothec which had been going on for the last 20 years. He hoped the hon. Gentleman would not require another 20 years to convert him on the question. As regarded the views of the smaller farmers, the hon. Member might safely leave that matter to the representatives of small farmers. The whole of the county Members, with one exception, had agreed that in the interest of the smaller farmers, as well as in that of the larger, hypothec ought to be abolished. With regard to the consideration of the question in the meantime, he hoped the Government, or their legal Representative in Scotland, would put Amendments on the Paper which would really deal with the somewhat difficult legal questions involved in this Bill. When the measure was in Committee he thought it went rather quickly through, and that the House had not proper time to consider it; for he doubted whether the legal Representative of the Government had, at the time, fully realized the effect of the Bill as it then passed. He thought even the hon. Member (Mr. Vans Agnew), who had charge of the Bill, did not at that time fully comprehend what would be the effect of his measure. He hoped, and thought, the House had a right to expect on such a question the legal Representative of the Government should become responsible for the amendment of the existing law, in order to carry out the intention of the House, without the risk of involving the country in great legal difficulties after the Bill became law. If the right hon. and learned Gentleman was prepared to become responsible for the Amendments which appeared on the Paper, he had no objection to the Bill going through after admission on the question, whether Clause 2 stood part of the Bill, upon which he felt compelled to take the opinion of the House.

Sir George Campbell

MR. ERNEST NOEL moved the adjournment of the debate. It was impossible at that hour to go into all the considerations imported into the Bill by the Amendments which had been put down. They did not know how the Government were going to deal with these Amendments; and until they knew that, it would be quite impossible for them to consider the Bill properly.

Motion made, and Question proposed, "That the Debate be now adjourned."
—(*Mr. Ernest Noel.*)

MR. CHARLEY considered that after the principle of the Bill had been settled on the second reading, and the details of it in Committee, it was very hard, indeed, upon those in charge of the Bill that it should be stopped in this manner.

MR. GREGORY expressed an opinion that the Bill would place the tenant in a worse position than before. Instead of giving the landlord a remedy by distress, it gave him a remedy by ejectment; and it was, practically, an invitation to the landlord to put this extreme remedy in force.

SIR JOSEPH M'KENNA was urging that the alterations which had been made in the Bill had rendered it as much a measure of pains and penalties as a measure of relief, when—

It being 10 minutes before Seven of the clock, the Debate stood adjourned till *this day*.

House adjourned at Five minutes before
Seven o'clock, till Monday the
9th of June.

HOUSE OF LORDS,

Thursday, 29th May, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—Metropolitan Public Carriage Act Amendment * (105).

Second Reading—Supply of Drink on Credit * (84).

Committee—Children's Dangerous Performances (64).

Committee—*Report*—Parliamentary Burghs (Scotland) * (90).

Report—Disqualification by Medical Relief * (6).
Third Reading—Habitual Drunkards * (93);
Statute Law Revision (Ireland) * (80), and
passed.

CONTAGIOUS DISEASES (ANIMALS) ACT, 1878—AMERICAN PIGS.

QUESTION.

THE EARL OF BELMORE asked the noble Duke the Lord President of the Council, Whether it is true that swine landed in this country from America have been found to be affected with trichinosis; and, if so, whether the Government intend to take any precautions against the introduction of the disease?

THE DUKE OF RICHMOND AND GORDON: In answer to my noble Friend, I have to state that in consequence of reports which I received from abroad, a certain portion of swine landed from America in this country were subjected, by my order, to examination by the proper officers of the Veterinary Department, and I regret to say that the result has been the discovery of trichinosis in some of the animals. The investigations are being continued, and therefore I am unable to state what steps, if any, it may be necessary to take in the matter. I would remind my noble Friend that swine coming from America are killed at the port of landing. I am glad that my noble Friend has put the Question, because it enables me to caution the public in the matter, and to mention that the best precaution against the spread of this complaint—so dire in its effects upon the human species—is that all portions of the swine—ham, pork, and bacon—should be thoroughly well cooked before they are made use of.

OMNIBUS REGULATION BILL—(No. 41.)

(*The Earl of Redesdale.*)

COMMITTEE ON RE-COMMITMENT POST- PONED.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) stated that he proposed to postpone the Committee on the Bill till after the Holidays.

LORD ABERDARE suggested that, instead of embracing a great number of regulations in a Bill, it would be better to give the local authorities power to make rules for the regulation of omnibus traffic.

EARL BEAUCHAMP said, that would involve the consideration of a number of local Acts. The Bill now before them dealt with the Metropolis, and the question was whether the Home Secretary could not embody certain regulations

in those which at present existed, to effect the object of the Bill? He had himself brought in a Bill dealing with the omnibus traffic in the Metropolis.

Committee *put off* to Tuesday the 17th of June next.

CHILDREN'S DANGEROUS PERFORMANCES BILL [H.L.]—(No. 64.)

(*The Earl De La Warr.*)

COMMITTEE POSTPONED.

House in Committee (according to Order).

LORD ABERDARE said, that he had no objection to the main principle of the Bill; but he wished to point out that all legislation of this sort which interfered with labour had been preceded by careful inquiry into the conditions under which that labour was carried on. After that inquiry, they could legislate with a full knowledge of the facts. He should have preferred that that had been done in this case. He was not, however, prepared to object to the future progress of the Bill; but he would suggest that though the House had, perhaps, sufficient materials for legislation on the subject, the Government ought to so far take charge of the Bill as to put such Amendments on the Paper as would change the Bill to the form it ought to assume.

EARL BEAUCHAMP said, that it would be throwing great responsibility upon the Government if they were required to take charge of and amend every Bill introduced by a noble Lord. He did not approve of the proposed legislation; but as the House had manifested a strong disposition in favour of it, he had offered no opposition to the second reading of the Bill on the part of the Government. At the same time, he stated that if it were to pass it must be considerably amended in Committee. He did not, however, think it was fair to put upon the Government the responsibility of introducing Amendments which would make this a satisfactory Bill. The evils attendant upon children being engaged in performances of this kind against their will were admitted, although the Bill might not thoroughly deal with all the matters relating to the subject.

THE EARL OF KIMBERLEY thought that in making a Bill of that kind what

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it ought to be, the Government ought to guide the House. The Government ought to take one of two courses—if the Bill, in their opinion, was not capable of improvement, they ought to move its rejection; if it was, on the other hand, capable of being amended, they ought to propose the necessary Amendments.

EARL DE LA WARR said, as the Government had accepted the principle of the Bill, he should be glad to consider any Amendments proposed by them.

THE EARL OF BEACONSFIELD suggested that his noble Friend who had charge of the Bill (Earl De La Warr) would do well to postpone further proceeding with the Bill till after the Holidays; and, in the meanwhile, his noble Friend could be well occupied in revising the measure and framing in it such Amendments as he might think desirable.

THE MARQUESS OF SALISBURY had a personal interest in hoping that the noble Earl (Earl De La Warr) would carefully consider Amendments. The Bill, as it stood, put very considerable penalties and severe responsibilities upon the owner of a circus. Now, every Easter Monday a great number of people came into his neighbourhood, and a circus was erected in one of his fields; and, therefore, he was the owner of that circus, though he must venture to decline to be either responsible for the age of the children employed in the circus, or the performances in which they were engaged.

EARL DE LA WARR said, he would accept the suggestion of the noble Earl at the head of the Government.

THE EARL OF SHAFTESBURY said, that the Bill did not touch some of the worst cruelty practised on young athletes and acrobats—namely, that which they underwent during their training.

House resumed.

To be again in Committee on Tuesday the 17th of June next.

TURKEY—CRETE—REPORTED DISTURBANCES.

QUESTION. OBSERVATIONS.

LORD COLCHESTER asked the Secretary of State for Foreign Affairs, If Her Majesty's Government have any information as to the truth of the reported dis-

turbances in the Island of Crete? Since he gave Notice of his Question, he had seen, by the usual sources of information, that Papers had been promised in "another place" relative to the affairs of Crete, since the termination of the Correspondence now before Parliament. In asking at that moment what foundation existed for the statements in some of the public journals concerning a serious, if partial, insurrection against the order of things now established in Crete, an order of things which that Correspondence gave some hope would be at length accepted by the people of that long-distracted Island, he trusted that the noble Marquess (the Marquess of Salisbury) might be able to state that they were either wholly or in a great measure incorrect, and had no other foundation than those partial disorders which, perhaps, could not at once be expected to disappear. He hoped that it might be so, not only for the sake of the tranquillity of Crete, or of the importance which it derived from its geographical position with regard to the interests of the Powers of Europe in the Mediterranean; but because it was the ground on which the first essay was being carried on of the reformed organization proposed to be carried out in other Provinces of European Turkey, and its success or failure in Crete could hardly fail to be taken as an augury of the prospects of similar reform elsewhere. Those of their Lordships who had at all followed this subject would remember that the Constitution established after the revolt and civil war of 1867-8, though offering many of the elements of good government, failed to command confidence and produce contentment—partly, perhaps, because it was not fully carried out, partly because it gave a share in the General Assembly to the Christian majority which, though far from insignificant, fell short of that to which they thought that their numbers entitled them, and which was requisite to protect their interests. Then, it appeared from the Papers before their Lordships that after that conflict and bloodshed of which the Island was the scene during the last year, the indefatigable exertions of the British Agents, and particularly of Consul Sandwith, seemed to have brought about the acceptance on both parts of a reformed organization, securing the essential liberties of both creeds and

racés, and giving a decided predominance to the Christian majority in the representation of the Island, while insuring a full and generous recognition to the Mussulman minority, a recognition important not only for their due protection, but because an organization that overlooked the rights of the most warlike and hitherto dominant part of the population could hardly be lasting in itself, nor be accepted by the Porte in good faith. The Native Mussulmans, indeed, seemed, as it were, not altogether satisfied. Consul Sandwith, who stated that, observed in the same letter (November 4, 1878) that the great bulk of the Christians were well contented with the present arrangement, provided it were guaranteed by Her Majesty's Government that it should henceforth be a more difficult task for Greek committees to stir up the Island to a fresh revolt, and that if time were allowed for the growth of material prosperity, the motives impelling to revolution would gradually cease. Unfortunately, some discontent appeared to have arisen from the change of intention relative to the appointment of a Governor. The Christians had desired that Costaki Pasha, who had previously discharged his functions to the satisfaction of all parties, might be allowed to remain as the first Vali under the new system; but they were well contented by the appointment of Caratheodori Pasha. This appointment, however, was suddenly cancelled, and the substitution of Photiades Pasha, who ultimately was appointed to the office, seemed to have caused much distrust and dissatisfaction. It was evident that any person intrusted by the Turkish Government with the working of the new organization must have a difficult task, seeing that not only the reality, but the appearance, of any injustice or want of fidelity in executing what had been promised might have disastrous consequences; and it was to be hoped that no such imprudence would mar the prospect of better things which seemed at last secured to the Cretan people. Some of their Lordships might have noticed that the supposed seat of disorder was said to be the district of Sphakia, a report which, if true, was in one sense a hopeful sign, as the position of that district was altogether peculiar. Claiming certain special privileges, it stood to the rest of Crete somewhat as Crete had

stood to the rest of the Empire, unwilling to be absorbed in a general organization as the Cretans were to accept for themselves a share in the Constitution set up by Midhat Pasha. He hoped they might hear from the noble Marquess that the tranquillity of the Island under its organic statute was not seriously menaced, though the smouldering fires of antagonism and animosity engendered by long years, partly of mis-rule and partly of anarchy, could not altogether be extinguished in a moment even by a reform so full of promise for the future as the one now granted appeared to be.

THE MARQUESS OF SALISBURY: My Lords, I received yesterday a despatch from Consul Sandwith, whom my noble Friend (Lord Colchester) has mentioned in terms of just commendation, and there was nothing in the language he used to lead me to believe that any disturbances were going on in Crete. My information does not confirm the statement of my noble Friend that there is any want of confidence felt in the new Governor, Photiades Pasha. There is no doubt the people were at first a little disappointed at the sudden change, when Caratheodori Pasha was summoned to be Foreign Minister at Constantinople; but they have not shown any want of trust in the present Governor, who is a man of distinction, has served in high diplomatic posts, and is very highly valued by his Christian fellow-subjects. There have been some differences of opinion. My noble Friend has alluded to the discontent of the people at Sphakia. Their discontent is a species of Home Rule feeling; they want the capital to be in their district, and the capital is really somewhere else; and that was a grievance which at one time they were much inclined to make a subject of armed resistance, but happily they were influenced by better counsels. There has also been some difference of opinion with the Porte upon a subject which I am sorry to say gives a great deal of perplexity and trouble to the Porte at the present moment—I mean the subject of finance. There was a promise on the part of the Porte that certain customs and revenues should be paid to the people of Crete, and orders arrived from Constantinople that the accumulated result of those revenues should be duly paid over; but when they came to examine into the matter, somehow it turned out there was

no accumulation at all, and no one exactly knows what has become of the money. That circumstance produced a little embarrassment and discontent. The real truth is that this is a very warlike population, amongst whom there have been disturbances for many years. There are causes of deep-seated animosity, owing to the long contest between Mussulmans and Christians, and what is wanted in the Island is a very strong and effective gendarmerie to keep order. Unfortunately, this strong and effective gendarmerie requires money for its sustenance. It is true the Albanians have refused to serve, or give their valuable assistance, and the result is that undoubtedly there are some occasional crimes of violence committed which may be very easily exaggerated and treated as popular disorders; but anything indicating discontent on the part of the people with the Constitution recently granted, as far as my information goes, does not exist.

CRIMINAL LAW — EXECUTION OF CATHERINE CHURCHILL AT TAUNTON—ADMISSION OF THE PRESS.

QUESTION. OBSERVATIONS.

LORD HOUGHTON asked, Whether permission to be present at the intramural execution of Catherine Churchill in Taunton Prison on Monday the 26th of May was refused to all reporters and other persons than the officials of the prison? In doing so, he would ask their Lordships to remember that though the removal of the place of execution from Tyburn Gate to the outside of Newgate was effected solely by the authority of the Secretary of State, yet when he suggested many years ago to Sir James Graham that executions should take place inside the walls of the gaols, that distinguished statesman said that it was a matter of such importance as to seriously affect the question of punishment by death, and he would not meddle with it except under the authority of an Act of Parliament. The public mind became similarly impressed, and an Act was passed authorizing intramural executions in 1868; but, at the same time, precautions were taken that there should be an element of publicity about them for the purpose of properly bringing so awful an occurrence fully before the public mind, and a promise

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was given by its promoters that though, if it passed, executions would no longer occur in public places, they would be public in the best sense of the word. Now, he submitted that that promise ought to be invariably fulfilled, so that the public should know that the solemn act of the law had been properly carried out. He thought that executions thus regulated had been very successful and productive of great moral results, and it would appear that the people were contented with the alteration in the law, the scenes of violence and confusion which once existed having been abolished. Therefore, he was very anxious that nothing should be done to cause any bad feeling against the change which had taken place; but, at the same time, he feared that a most obnoxious effect would be produced on the public mind if the practice were continued of excluding persons from witnessing the manner in which an execution had been carried out, as had taken place in the case under notice. He had read statements of bad management on the part of some persons at executions; and, therefore, he thought that everything should be public, so that the people might know what had taken place within the walls. Besides, during the last year or two, prisons had been transferred to the jurisdiction of the Home Office; and it was possible that less attention would be paid to these matters, now that the authority of the Visiting Justices had been reduced. No doubt, executions were carried out under the jurisdiction of the High Sheriff of the county or the Sheriff of the town, as the case might be. In the present case the power of exclusion was exercised by the High Sheriff himself, and, therefore, the Home Office, as such, could not be considered as responsible for any malfeasance or fault in the matter; but still it raised the important question as to the transference of the whole of the authority of the Visiting Justices to the Home Office; and it might be well that at all executions a public reporter should be present, because, in the event of any horrible mishap occurring, the facts would be sure to come out even if they were not present, and might appear in an exaggerated form, and a great deal of injury might result. Another point to be considered in connection with this question was, that a Commission in France had reported in

favour of public executions being conducted in accordance with the present English system; and, no doubt, attention in France would be drawn to this subject, and any scandal occurring here with regard to intramural executions might extend beyond the Channel. His wish was that nothing should be done or said to damage the law which was at present in force, and under which there had been great success through its admirable working.

EARL BEAUCHAMP said, he was not in a position to answer the Question precisely; but he could give the noble Lord some general information with respect to the subject. The Act of Parliament now in force received the Royal Assent 11 years ago that day; but the noble Lord did not seem to be fully aware of the provisions of it. It provided that executions should be within the walls of a prison, and that the Sheriff, chaplain, gaoler, surgeon, and other officers of the prison should be present. Those persons were compelled by the law to be the official witnesses of the execution; and their presence, therefore, was an adequate guarantee of the judgment of the law being carried out. The Act also provided that the Justices of the Peace within whose jurisdiction an execution took place, should be permitted to be present, and power was given to the Sheriff to, admit such other persons as he might think proper to be present. Under the Act of 1868 the whole of the responsibility in this respect was, therefore, thrown on the High Sheriff and the Visiting Justices. By the new Prisons Act the powers of the Visiting Justices were transferred to the Home Secretary; but as the local authorities must have better means of knowing what was advisable in particular cases, the Home Secretary had thought fit not to make any regulations in respect of admissions to executions, but to leave the matter in the hands of the High Sheriff. Therefore, when the Prisons Act was passed, it was thought desirable to make the High Sheriff responsible. Due publication was given to the carrying out of the law by the holding of the Coroner's inquest, and careful provision was made in that regard by the Act of 1868, so that he thought that ample facilities existed for securing publicity to the fact that the judgment of the law had been solemnly executed. He had

no information as to the particular case referred to by the noble Lord, but assumed that the High Sheriff had exercised his discretion in a proper manner.

EARL FORTESCUE said, that it was generally understood that the object of making executions private was that the public might be spared disgusting and sensational details in connection with them, and that object would be defeated if reporters were allowed to be present at them. His understanding was that the publicity requisite for establishing the fact that the execution had been properly carried out was already provided for by the presence of a certain number of prison officials, and a Coroner's inquest to be held afterwards on the body; and he could not help thinking that in the case of the Taunton execution the High Sheriff of Somersetshire had exercised a wise discretion in excluding reporters, and he hoped that the example would be followed by other High Sheriffs. He would remind their Lordships that, owing to the reading of a very graphic description of an execution—that of Peace—a party of children had actually in play recently hanged one of their own playfellows. Looking at the precautions adopted for the carrying out of the sentences, the more private, therefore, the executions were, the better.

LORD HOUGHTON said, he still remained in the opinion that it was of the utmost importance that there should be persons present at these executions other than the mere prison officials. While executions might be private, they ought not to be secret, and his belief was there was a danger of their becoming so.

METROPOLITAN PUBLIC CARRIAGE ACT AMENDMENT BILL [H.L.]

A Bill to amend the Metropolitan Public Carriage Act, 1869—Was *presented* by The LORD STEWARD; read 1^a. (No. 105.)

House adjourned at Six o'clock, till
To-morrow, Eleven o'clock.

HOUSE OF LORDS,

Friday, 30th May, 1879.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Hares (Ireland) (89); Local Government (Ireland) Provisional Orders (Waterford, &c.)*

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(91); Public Health (Scotland) Provisional Order (Bothwell)* (92); West India Loans* (85); Convention (Ireland) Act Repeal (77). *Third Reading*—Disqualification by Medical Relief* (6), and *passed*.

ARMY — ARMY ORGANIZATION — THE COMMITTEE.

QUESTION. OBSERVATIONS.

LORD TRURO, in rising to put a Question to the Government of which he had given private Notice, said, that the recent military embarrassments, which had been succeeded by severe Parliamentary criticism, had led the Government to deem it expedient to consent to appoint a Committee to inquire into the constitution of the Army. There were various opinions as to this step, and what had given rise to it. There were those who thought that this arose from carrying out the resolution or arrangements of the noble Viscount (Viscount Cardwell), and that the course pursued by him had in some degree led to the passing of so many young soldiers into the Reserve. What was the Reserve? It was the reservoir to receive the overflow of the Royal Army; but the noble Viscount had placed his overflow pipe at the bottom instead of the top. But what he (Lord Truro) wanted to address himself to was the constitution of this Committee, a matter which was not at all unimportant. He should like to know whether it was to be so composed as to hold out not the hope only, but the assurance of success? Would the constitution of this military Committee give that guarantee? Those who had read the names of the noble and gallant Generals who had been selected to serve on that Committee would recognize their claims to respect; but at this time it required something more than military minds to deal with this question. From early training, and from long-continued habit and associations, military men were unable to free themselves from prejudice; and it would, therefore, be difficult for them to examine into the present system without civilian aid. If the Committee failed to fulfil the purpose for which it was appointed, and left the Army in its present condition, he could not help thinking that the country would blame the Government for not introducing a civilian element into the Committee.

THE LORD CHANCELLOR: My Lords, I was unwilling to interrupt the noble Lord; but I must remind him that he has been guilty of a gross irregularity. A Committee which had been appointed had framed certain Resolutions, which some time ago received the sanction of your Lordships' House; and one of those Resolutions was that although a Question of which private Notice only was given might be asked if the subject were not one that would lead to discussion, yet that if it were likely to lead to discussion Notice of the Question should be put on the Paper. The object of that, no doubt, was that all noble Lords who took an interest in the subject might have an opportunity of hearing what was said, and of taking part in the discussion. The noble Lord has introduced a topic, in the form of a Question, which, perhaps, of all others, is calculated to interest a large number of the Members of your Lordships' House, and lead to discussion; and I, therefore, trust that your Lordships will allow me to enter my protest against the irregularity.

LORD TRURO said, he must plead frankly guilty of the error for which the noble and learned Earl had reprimanded him. He was not aware, however, when he rose, that he was transgressing any of their Lordships' Rules.

HARES (IRELAND) BILL.

(*The Viscount Massereene.*)

(NO. 89.) SECOND READING.

Order of the Day for the Second Reading, read.

VISCOUNT MASSEREENE, in moving that the Bill be now read a second time, said, that during the last three years the number of hares had greatly increased in Ireland, and the object of the Bill was to allow Justices of the Peace to inflict penalties for keeping hares in large numbers. He would move the second reading.

Moved, "That the Bill be now read 2^d."
—(*The Viscount Massereene.*)

THE EARL OF KIMBERLEY said, the title of the Bill ought to be "An Act to prevent the eating of Leverets in Ireland." He certainly did not see why penalties should be inflicted in Ireland

for doing what was done to a very large extent in England.

Motion agreed to; Bill read 2^d accordingly, and committed to a Committee of the Whole House on Monday the 16th of June next.

ARMY — THE CONDITION OF THE ARMY AND THE SHORT-SERVICE SYSTEM.

ADDRESS FOR PAPERS.

LORD STRATHNAIRN, in rising to move that an humble Address be presented to Her Majesty for the following Returns and Papers:—

"1. The Instructions given by the Secretary of State for War in 1872 to the Committee on Organization:

"2. The number and their rank of officers of battalions on foreign service or on first appointment on the Linked Battalion system who since the 1st of April 1876 have served at Brigade Depôts, and how long; also the number of rank and file and of non-commissioned officers, being the respective strength of the companies forming the Brigade Depôts, including non-effectives, and their employment; and also the average monthly strength of a Brigade Depôt:

"3. The number since the 1st of April 1876 of Brigade Depôt parades and drills, stating what drills, or movements under the colonel commandant of the four Depôt Companies, including the Auxiliary Forces, Militia, &c.:

"4. The annual expense of the colonels commandant, the officers, non-commissioned officers, and men of the Brigade Depôts actually and practically formed together, with the expense of concentration of troops, if any, travelling, officers mess, and other miscellaneous expenses attendant on the Brigade Depôt system:

"5. The armed force, whether line, brigade depôt, first class army reserve, militia, yeomanry, volunteers, or pensioners whom the colonel commandant is authorised to inspect or call out for drill purposes in his sub-district, or for aid, if necessary, to the civil power:

"6. The armed force and of what description in a sub-district under the orders of its colonel commandant:

"7. Whether the first class army reserve men are concentrated in a sub-district at the Brigade Depôt stations for their seven days annual instruction, and, if not, where and by whom drilled, and in what drill:

"8. Number of recruits since 1871 tried for fraudulent enlistment, that is for having sworn, although under age, in their attestation papers that they were of the proper age; and what steps have been taken to prevent the award of 'bringing money' for fraudulent enlistments:

"9. Any battalion, which on account of the Linked Battalion system and of the necessity of its being at home in order to relieve its linked or other battalion at the termination of its foreign service, or on account of any other cause, has been ordered home in breach of the rules of the Regulation Foreign Service Roster before the completion of its foreign service:

"10. Number of recruits under eight months service who have been sent out on foreign service; to what battalion in the Linked Battalion system; and where, since the 1st of April 1876:

"11. Number of short service men not allowed to go on foreign service on account of the near approach of their term of service, and sent to the Brigade Depot or elsewhere for the completion of their service, since the formation of the Brigade Depot system:

"12. A Return in continuation of a Return to an Address of the House of Lords, dated the 28th of February 1876;

"13. Return of Double or Linked Battalions at home being stationed in the district or sub-district of their Brigade Depot or Centre:

"14. Correspondence, if any, relating to the men of the First Class Army Reserve being sent to reinforce or fill up vacancies in regiments in South Africa:

"15. Any reports of the opinions of general officers commanding districts at home or in command of troops abroad of the disadvantages of the under age of the men under their command; also any report of the general officers or other officers commanding the troops, and of the principal medical officer, on the number of men who fell out of the ranks from fatigue on their march to and from the review at Windsor in 1874:

"16. A Return of the First Class Army Reserve men who have volunteered lately, specifying whether they were in civil employment or without it:

"17. Any Correspondence between the India Office, Her Majesty's Government, and the War Office relating to the unfavourable effects of the Short Service system on Indian finance or Indian interests:

"18. Any Return showing whether Major Bromhead of the 24th Regiment passed a successful examination or not for a first commission,"

said, that military opinion was uniform that the non-commissioned officers were the very back-bone of our Army; and short service had failed to produce them. That system had given the country boys for soldiers, and deprived the Army of the class of men from which non-commissioned officers were drawn. Some had said that short service would increase the military material that was in the country; but if this had been so we should have known about it by this time. Our best officers by no means approved of short service. In the Prussian Army, where short service prevailed, and which was, perhaps, the best organized Army in the world, such was the importance attached to having efficient non-commissioned officers that it had been ordered that all non-commissioned officers of nine years' service should receive Government employment. Young men under 20 years of age should not be taken into the

Army, and that was the age at which the conscription commenced to apply in Germany. The recruiting age in this country was 18; but it was well-known that a number of men under that age enlisted in the Army. He wanted to know why the Government had not adopted the means at their disposal for punishing fraudulent enlistment? The 24th Regiment was composed of young men; but he believed that if its non-commissioned officers had been taken from tried and seasoned soldiers, instead of mere striplings, they would have steadied the men at Isandula, and have ordered the rear ranks to face round. If that had been done, and if a sustained and well-directed fire had been poured into the Zulu advance, the result would have been different.

VISCOUNT BURY said, he felt some difficulty in replying to the noble and gallant Lord, because he had moved for no fewer than 17 Returns. He did not think it would be convenient for him to go into the general question of short service; indeed, he was not prepared to enter into so large a subject at that moment. He was not aware, from the Notice which the noble and gallant Lord had given, that they would be asked to enter into such a discussion, or he might have taken the opportunity of consulting with the Secretary of State, or the illustrious Duke on the cross-benches (the Duke of Cambridge). The short-service system had been adopted after full consideration, and was now in full force; and although the noble and gallant Lord had stated many of its disadvantages, he had not suggested any alternative system. With regard to the Returns for which the noble and gallant Lord had moved, most of them had already been laid on the Table of their Lordships' House, and others had been presented to the other House.

THE EARL OF GALLOWAY considered the question of short service one of extreme urgency, and a discussion respecting it ought to be raised at the earliest possible period, in order that they might know what the real state of the Army was at the present time. There was such a difficulty in getting non-commissioned officers that, in a published letter, mention was made of an instance in which a man had been made a colour-sergeant after only 11 months' service. An important statement had recently been published to the effect that amid the hun-

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dreds of applicants at our hospitals, there were some of the failures of our modern military system—lads 20 years old, coming back from India damaged for life by premature and profitless service. He hoped the Committee, of which they had heard so much, was to have this subject under its notice as well as others. He should like to know, moreover, whether it was to be a Royal Commission, or a mere Departmental Committee of the War Office, and what instructions were to be given to it? The question was one of so much importance that, instead of having the same names upon these Committees, it would be desirable to expand them, so as to secure the advantage of the experience of commanding officers who had practical knowledge of the subject, and it would be satisfactory to hear that the noble and gallant Lord's (Lord Strathnairn's) opinion would be asked. In a recent despatch, Lord Chelmsford spoke in terms of praise of the good firing of the 57th Regiment in the late battles in Zululand. The explanation of it was this—the regiment was composed of many old soldiers who had served with it in Ceylon and in India. One of the great complaints against the present system was that under it we got only young lads as recruits.

LORD ELLENBOROUGH pointed out that the real injury to the Service commenced when the Ten Years' Act was passed, under which the soldier was deprived of pension, after devoting the best 10 years of his life to the Service. No soldier should be sent to India until upwards of 21 years from a medical point of view, and this was a cogent reason against the short service system, both costly and inefficient, more particularly expensive in reference to distant Colonies and our Empire in the East Indies.

LORD TRURO said, he was not sure whether the Rule of the House to which the noble and learned Earl on the Wool-sack had called attention at the commencement of the Sitting had not been, within the last few minutes, violated in a greater degree than it had been by him. He was then in Order, and would again express the hope that, as there was an anxious feeling even among military men upon the matter, the House would receive an assurance from the Government that the proposed Com-

mittee would be a mixed Committee of military men and civilians.

EARL FORTESCUE said, he had never concealed his opinion that the new system, both in respect to the appointment of officers and the manning, or rather "boying," of the Army was very defective. He trusted that the Committee which was about to be appointed would give particular attention to the Army Medical Reports, and the concurrence of testimony as to the unfitness of lads under 20—the majority of the new recruits being 16 or 17—either for exposure to a tropical climate, or the hardships and fatigues of actual warfare. The medical evidence on this point alone was so concurrent that he was sure it would be accepted as conclusive. When men were enlisted for 12 years, during nine of those years they were, on the average, old enough to be serviceable; but when they were only enlisted for six years, and often allowed to pass into the Reserve before the expiration of those, they were generally of serviceable age for only three years at most in the ranks. He trusted the Government would be induced to adopt some modifications of a system which, with a large Army on paper, practically left only a small proportion of it available in the field.

THE DUKE OF CAMBRIDGE thought that much inconvenience arose from these imperfect discussions of a technical subject, especially after the announcement by Her Majesty's Government that it was to be investigated by a military Committee. Not only in their Lordships' House and in the House of Commons, but in the country generally, was the opinion general that something should be done in the matter. The question was, what was it that should be done, and how was it to be done? The best way was to seek, in the first instance, what were the blots in the present system. The system would be fully inquired into by the Committee, the blots in it would be pointed out by competent witnesses, who would be examined by the Committee, and who would state their opinions frankly upon Army organization. We should then be able to see how matters really stood; and the Committee would state what, in their opinion, should be the alterations or amendments. The Committee would report fully to Her Majesty's Government, and Her Majesty's Government

would then be in a position to decide whether large organic changes ought to be made, or whether it was only in small and minor points that alterations were required. His noble Friend (Earl Fortescue) said he was not satisfied with the way in which the present system had been carried out. He had the greatest respect for the noble Earl, who always said what he meant; but he was at a loss to know in what respect the noble Earl thought the system had not been carried out. Nobody would be more pleased than the Secretary of State and himself if they could fill their ranks with men over 20. If anyone could show how, without conscription, but by voluntary enlistment, we could get a sufficient number of recruits over 20 years old, a great difficulty would be got over. Unfortunately, many of these recruits were only 17 years old; but if they would wait until they were 20, the War Office authorities would be only too delighted. His noble Friend, however, would find some difficulty in arriving at such an arrangement. He felt quite sure of one thing—that unless they largely increased the pay of the soldier they could not expect older men to join the Service, and that was a subject which required grave consideration. There was no doubt that all those matters would be fully, fairly, and seriously inquired into by the Commission or Committee. The noble Earl (the Earl of Galloway) went into a number of details, on which he would have been quite prepared to meet him; but it was impossible to go into that sort of thing in their Lordships' House, and it would only be wearying to the House. In such an Assembly, details of military organization could be discussed in only a very superficial and unsatisfactory manner. He hoped that noble Lords who felt interested in these matters would be satisfied with the assurance of the Government that there would be a full inquiry into these and other grave points by a Committee competent to enter on such an investigation.

EARL FORTESCUE explained, that he did not wish to impute any fault to the War Office authorities, but only to the system.

VISCOUNT CARDWELL said, he felt bound to express his full concurrence with the illustrious Duke in thinking that, if there was to be an inquiry that

should carry weight with it, the constant discussion in that House of details of military organization was not desirable; and, therefore, he should not say a word on the question raised by his noble and gallant Friend (Lord Strathnairn), who had brought the subject forward, further than that there ought to be a complete investigation, from beginning to end, into the subject; but in reference to what had been said by his noble Friend (Earl Fortescue) as to the ages at which soldiers were sent to India, he wished to read a passage from the Report of Lord Dalhousie's Commission, which sat in 1867, the golden days of long service. It was in these words—

"A return prepared for us of the ages and periods of service of men sent out as drafts to India during the last two years, between the 1st of January, 1864, and the 31st of December, 1865, shows that out of a total number of 5,622, no less than 2,093 were under 20 years of age, and 796 between 20 and 21 years. Thus there were more than one-half (2,889) under 21 years of age, and in some regiments the proportion was much greater. Out of these 5,622 recruits, 3,947 were of less than two years' service, while 2,038 of them were actually under one year's service. Of the Artillery drafts, one-half were under 21 years of age, and one-third under 20—nearly three-fourths under two years' service, and one-fifth actually under one year's service."

Now, as a rule, only matured men were sent to India. During the time of the late Government, there was an inquiry in reference to service in India, and on that Committee were the heads of the Medical and Recruiting Departments, and they provided rules in respect of the men who were to be sent out to India; and he believed those rules had been acted upon ever since, and they showed a striking contrast with the rules in force under what was called the golden times of long service. He wished to ask, whether it was correct, as had been stated, that there was a difficulty in accepting the services of men in the Reserve Force if they wished to volunteer? He could not understand that there was any difficulty; but if there was, he submitted that a strong Government could have brought in a measure to remove it; but as that had not been done, he thought the alleged difficulty must be imaginary. He supposed it was a mare's nest. It would be a great advantage to have the older men of the Reserve in the Army if they could be permitted to volunteer.

The Duke of Cambridge

THE LORD CHANCELLOR said, there was a provision in a Bill now before the other House of Parliament—the Army Discipline and Regulation Bill—authorizing the Secretary of State to accept volunteers from the Reserve. As the law stood, there was nothing whatever to prevent the Secretary of State, under the Act of 1870, to permit volunteers from the Reserves joining the Regular Army, so long as the Regular Army was not increased beyond the maximum strength voted by Parliament.

THE EARL OF GALLOWAY, in explanation, said, he could assure the illustrious Duke that he quite appreciated his advice; but the other evening he was treating on a subject of great importance, and the only way of doing so was by entering into it fully.

LORD WAVENEY suggested that those Papers which had a special bearing on the subject and were most interesting should be prepared and presented to the House first.

VISCOUNT BURY asked the noble and gallant Lord (Lord Strathnairn), which of the Returns on the Motion Paper he moved for?

THE EARL OF LONGFORD said, in reference to the quotation from the Report of Lord Dalhousie's Commission as to the youth of soldiers at the time mentioned, it must be remembered that those young soldiers were received into regiments in which a large number of old soldiers were serving, and they became more efficient than in regiments composed principally of young men.

LORD STRATHNAIRN pointed out that he was desirous to obtain all Returns respecting the Army Reserve, the system of education, the brigade system, and the linking of battalions. He wished to observe, further, that he considered he was perfectly right to say in that House what he thought would be for the good of the Army. He would like to have all the Papers mentioned in his Notice of Motion, and which he had moved for.

VISCOUNT BURY explained that many of the Returns now asked for were already on the Table of their Lordships' House, and that some of the Papers, such as the Indian Correspondence, could not be granted.

THE DUKE OF CAMBRIDGE wished to explain that he had not the least wish to interfere with any noble Lord bringing forward any question of this kind.

What he meant was that no official Member of the Government could go into those details which might be necessary upon this occasion. If he went beyond that he did not wish to do so.

VISCOUNT HARDINGE wished to know whether he correctly understood the noble Viscount (Viscount Bury) to say that the Government declined to produce the Correspondence with the India Office relating to the effect of the short service system on Indian finance? He (Viscount Hardinge) had seen no reason why such a Correspondence should not be produced. He had asked what was the comparative statement of expenses as regards the Indian reliefs consequent on short service; but he had never been able to get a satisfactory answer. That was one of the matters which bore heavily on the finances of India, and he should like to know whether the Secretary of State for India had an objection to the production of the Correspondence?

VISCOUNT CRANBROOK said, there would be no objection to the production of the Correspondence when it was complete; but it was not complete, and that was the only reason why the Government objected to produce it at the present moment. The Correspondence was now going on between the two Departments, and if it were laid on the Table it would not tell its own tale. With regard to expenditure, there was an inquiry now proceeding with reference to Home charges. The conclusions arrived at would be submitted to the House, and then his noble Friend would have the opportunity of obtaining the information he desired.

Motion amended, and agreed to.

Resolved, That an humble Address be presented to Her Majesty for,

1. The number and their rank of officers of battalions on foreign service or on first appointment on the Linked Battalion system who since the 1st of April 1876 have served at Brigade Depôts, and how long; also the number of rank and file and of non-commissioned officers, being the respective strength of the companies forming the Brigade Depôts, including non-effectives, and their employment; and also the average monthly strength of a Brigade Depôt:

2. The number since the 1st of April 1876 of Brigade Depôt parades and drills, stating what drills, or movements under the colonel commandant of the four Depôt Companies, including the Auxiliary Forces, Militia, &c.:

3. The annual expense of the colonels commandant, the officers, non-commissioned officers, and men of the Brigade Depôts actually and practically formed together, with the expense

of concentration of troops, if any, travelling, officers mess, and other miscellaneous expenses attendant on the Brigade Depôt system :

4. The armed force, whether line, brigade depôt, first class army reserve, militia, yeomanry, volunteers, or pensioners whom the colonel commandant is authorised to inspect or call out for drill purposes in his sub-district, or for aid, if necessary, to the civil power :

5. The armed force and of what description in a sub-district under the orders of its colonel commandant :

6. Whether the first class army reserve men are concentrated in a sub-district at the Brigade Depôt stations for their seven days annual instruction, and, if not, where and by whom drilled, and in what drill :

7. Number of recruits since 1871 tried for fraudulent enlistment, that is for having sworn, although under age, in their attestation papers that they were of the proper age ; and what steps have been taken to prevent the award of "bringing money" for fraudulent enlistments :

8. Any battalion, which on account of the Linked Battalion system and of the necessity of its being at home in order to relieve its linked or other battalion at the termination of its foreign service, or on account of any other cause, has been ordered home in breach of the rules of the Regulation Foreign Service Roster before the completion of its foreign service :

9. Return in continuation of a Return to an Address of the House of Lords, dated the 28th of February 1876 :

10. Return of Double or Linked Battalions at home being stationed in the district or sub-district of their Brigade Depôt or Centre :

11. Any reports of the opinions of general officers commanding districts at home or in command of troops abroad of the disadvantages of the under age of the men under their command :

12. A Return of the First Class Army Reserve men who have volunteered lately, specifying whether they were in civil employment or without it.—(*The Lord Strathnairn.*)

CHURCH OF ENGLAND—GLEBE LANDS.

MOTION FOR A PAPER.

THE BISHOP OF PETERBOROUGH, in rising to move for—

"A Return from the Ecclesiastical Commissioners and from the Governors of Queen Anne's Bounty of all sales of lands belonging to or held in trust for parochial benefices or districts which have been effected or assented to by them respectively during the last ten years, specifying in each case the amount of land sold, the rental of the same, and the price obtained for it ; also the like particulars of all cases in which sales have been refused within the same period ; "

said, he was anxious to ascertain to what extent and under what conditions the Church of England of late years had been parting with her glebe lands, seeing that she was one of the largest landed proprietors in the country. It was a matter of importance to ascertain

to what extent the clergy were being turned from landowners into fundholders, and he regretted to be obliged to add that the subject was one which had a deep and painful interest for many of the clergy at this moment. Owing to agricultural depression in the last two or three years, many of the clergy were placed in most embarrassing and distressing circumstances, and in a few instances there had been great distress. The subject had been under consideration in the Upper House of Convocation, and the Return he now asked for—and which could, he was informed, be produced without difficulty—would be of great value. He begged to move for the Return of which he had given Notice.

EARL STANHOPE, on the part of the Ecclesiastical Commissioners, said, they had not the least objection to give the Return asked for.

Motion agreed to.

Return ordered to be laid before the House.

CONVENTION (IRELAND) ACT REPEAL BILL—(No. 77.)

(*The Lord O'Hagan.*)

SECOND READING.

Order of the Day for the Second Reading, read.

LORD O'HAGAN, in moving that the Bill be now read a second time, said : My Lords, the position of this Bill relieves me from the necessity of offering argument in its favour to your Lordships. It aims to repeal an Act which is exceptional, affecting Ireland only, and in many of its provisions practically obsolete. Exceptional legislation can be justified only by the clearest necessity, which cannot be alleged in this case, and obsolete Acts should not be allowed to cumber the Statute Book. You are aware that the Convention Act was passed in 1793 by the Irish Parliament, at a time of great excitement, when the spirit of panic was abroad. The French Revolution had alarmed the world, and Ireland was disturbed by its influence. The Act was designed to encounter the dangers supposed to be then impending, and especially to prevent a particular Convention of delegates which was threatened at Athlone. It was represented by the Attorney General of the time as in principle only

declaratory; but, in its operation, it was made to act more extensively in later days. Some of the best men in the Irish Legislature resisted it. The Duke of Leinster, Lord Charlemont, and Lord Arran placed a solemn Protest against it on the Roll of the Irish House of Lords. Mr. Grattan opposed it with all his strength; but it was carried, and still remains the law of the land. It has outlived the circumstances which gave it birth, and any justification for maintaining it which they afforded. Parliament no longer fears assumption of its powers or usurpation of its functions, and against any possible assault upon them the Common Law of the land gives ample security. In the first instance, this Bill was introduced into the other House to simply repeal the Convention Act. It was debated at length, and, as I am informed, the Chief Secretary of the Lord Lieutenant intimated that if it was withdrawn, and another substituted with a clause clearly affirming the principle which makes punishable such assumption or usurpation as I have described, the Government would offer no opposition to it. It was amended accordingly, and passed the House of Commons without opposition or objection. In that position of things, I have no need to detain your Lordships further, and you will have no difficulty in giving a second reading to the Bill.

Moved, "That the Bill be now read 2^a."
—(*The Lord O'Hagan*.)

Motion agreed to; Bill read 2^a accordingly, and committed to a Committee of the Whole House on Monday the 16th of June next.

House adjourned at half past Six o'clock,
to Friday the 13th of June next,
a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, 9th June, 1879.

MINUTES.]—NEW MEMBERS SWORN—The O'Gorman Mahon, for Clare County; Daniel FitzGerald Gabbett, esquire, for Limerick City.

SELECT COMMITTEE—Poor Removal, *nominated*.
SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES, Class III.—LAW AND JUSTICE; Class VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

PUBLIC BILLS—Resolution in Committee—Ordered—*First Reading*—Linen and Hempen Manufactures (Ireland) * [202]; Spirits [203].

First Reading—East India Loan (Consolidated Fund) * [201].

Select Committee—Medical Act (1858) Amendment (No. 3) * [121], *nominated*.

Committee—Customs and Inland Revenue [150]—R.P.; Supreme Court of Judicature Acts Amendment [134]—R.P.; Common Law Procedure and Judicature Acts Amendment * [181].

Committee—Report—Local Government (Ireland) Provisional Orders Confirmation (Cashel, &c.) * [141]; Local Government (Ireland) Provisional Order Confirmation (Downpatrick) * [140]; Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment * [184]; Inclosure Provisional Order (Matterdale Common) * [171]; Inclosure Provisional Order (Redmoor and Golberdon Commons) * [172]; Inclosure Provisional Order (East Stainmore Common) * [174]; Local Government Provisional Orders (Aspull, &c.) * [161]; Volunteer Corps (Ireland) * [6-200].

QUESTIONS.

INDIA—RETURN OF ECCLESIASTICAL SALARIES.—QUESTION.

MR. BAXTER asked the Under Secretary of State for India, If he can explain why the Return relating to Ecclesiastical Salaries in India, ordered by this House so long ago as the 5th of July 1877, has not yet been presented, and if he can undertake to lay it upon the Table at the latest before the close of this Session?

MR. E. STANHOPE: I regret very much that so great a delay has occurred in the production of this Return. In accordance with the promise given in December last, I caused an inquiry to be addressed to India on the subject. The answer was that the Returns from the local Governments had been found to be unsatisfactory and wanting in uniformity, and that, therefore, fresh Returns had been called for. I presume that the mode of calculating the attendance of Government officials at Divine worship has given rise to some difference of opinion; but I hope that it will not be long before the Return can be presented.

TREATY OF BERLIN—THE 23RD ARTICLE—THE EUROPEAN PROVINCES OF TURKEY.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for Foreign Affairs, Whether, since the renewed

representations of Her Majesty's Government, any steps have been taken by the Porte to give effect to that part of the 23rd Article of the Treaty of Berlin, which provides that local institutions analogous to those of Crete (or as subsequently stated of Eastern Roumelia) shall be granted to the several Provinces of European Turkey for which separate provision is not made?

MR. BOURKE: Sir, in consequence of the representations which have been made by Her Majesty's Government on this subject, Sir Henry Layard has been informed that the Porte intends immediately to submit to a Local Commission the question of the organization of these Provinces, which under the Berlin Treaty are not specifically provided for. We have also reason to believe that at this moment an organic Statute has been passed for Eastern Roumelia which is at present under the consideration of the Porte with the view to making it applicable to those Provinces which have been alluded to by the hon. Member who asks the Question.

POOR LAW (IRELAND)—THE
MONAGHAN BOARD OF GUARDIANS.
QUESTION.

MR. CALLAN asked the Chief Secretary for Ireland, Whether his attention has been called to certain proceedings at the Monaghan Board of Guardians on the 30th of April, May 7th and 21st, and the correspondence between Mr. MacAleese, the proprietor of the "People's Advocate," and the Local Government Board, Ireland, with reference to the exclusion of the reporter of that journal from the board room of the Monaghan Board of Guardians, whilst the other two local being Tory journals are admitted to report the proceedings thereat, and the refusal of a Mr. Jesse Lloyd, the chairman presiding on the 30th of April, to receive the following notice of motion:—

"I beg to give notice, that I will move on this day month, that the resolution passed by this Board on the 1st May 1878, excluding the representative of the 'People's Advocate' from the meetings, while the reporters of the other local papers are admitted, be rescinded, as unworthy of this or any other Board of Guardians in Ireland;"

whether it is in the power of a Board of Guardians, where meetings are open to the Press, nevertheless to admit only

Sir George Campbell

certain Tory journals, and exclude the representatives of a Liberal journal; if a chairman of a Board of Guardians can of himself refuse to receive a notice of motion admittedly legal, and within the rights of any individual guardian to propose, and so prevent any subject to which he may object from being formally brought before the Board; and, whether a clerk of the peace, who is clerk to the magistrates, and from the nature of his office incapable of acting as a magistrate, is nevertheless legally qualified to act as an *ex officio* Poor Law Guardian?

MR. J. LOWTHER, in reply, said, his attention had been called to the matter, and he understood that the question of the admission or exclusion of any person, whether a representative of the Press or otherwise, rested entirely with the Board of Guardians itself, and was not in any way within the jurisdiction of the Local Government Board. As to the power of the Chairman of the Board of Guardians of himself to refuse to receive a notice of motion, he (Mr. J. Lowther) apprehended that he had no such power. However, he understood that a notice of motion identical in character with the one referred to in the Question was brought before a meeting of the Guardians specially summoned for the purpose, and it was rejected by a majority. As to the last part of the Question, that related to a legal point upon which he did not feel justified in expressing an opinion; but perhaps the hon. Gentleman would put the Question to his right hon. and learned Friend the Attorney General for Ireland.

MR. CALLAN: Sir, I beg to give Notice that to-morrow I shall ask Mr. Attorney General for Ireland, Whether a clerk of the peace who is clerk to the magistrates, and from the nature of his office incapable of acting as a magistrate, is nevertheless legally qualified to act as an *ex officio* Poor Law Guardian, referring specially to the 13th section of the County Officers (Ireland) Act of 1877?

SOUTH AFRICA—THE ZULU WAR—
OVERTURES OF PEACE—DETENTION
OF MESSENGERS.—QUESTION.

SIR WILFRID LAWSON: I wish to ask the right hon. Gentleman the Secretary of State for the Colonies a Question of which I have not given him

Notice, but which, should he prefer it, I shall be happy to put again to-morrow. I should like to know, Whether the latest despatches from South Africa mention any fresh overtures for peace having been made by the Zulu King; and, if so, whether he will state to the House the result of the negotiations which have taken place?

SIR MICHAEL HICKS-BEACH: Hon Members may probably have seen the telegram published by my right hon. and gallant Friend the Secretary of State for War in this morning's newspapers. That I think is practically correct. It appears that some messengers came from Cetewayo to General Crealock stating Cetewayo's strong desire for peace; but they did not appear to have been authorized by the Great Council or by the King to offer any terms of peace, or to be of the rank ordinarily sent for such a purpose. I believe Lord Chelmsford directed General Crealock to tell these messengers that he had informed previous messengers that any message was to be sent to him at General Wood's camp, that he was ready to receive any message under a flag of truce, and that something more than words would be required, alluding, of course, to the terms of peace dictated to Cetewayo in December last, and anticipating some reply to these proposals.

PARLIAMENTARY PAPERS — GREECE AND CYPRUS.—QUESTIONS.

SIR CHARLES W. DILKE asked, When the Greek and Cyprian Papers would be delivered to Members?

MR. BOURKE, in reply, said, the Cyprian Papers would be delivered to-morrow or the day after; and the Greek Papers at the end of next week, or the beginning of the week following.

SIR JULIAN GOLDSMID asked, When the Egyptian Papers would be delivered?

MR. BOURKE hoped they would speedily be circulated.

PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTIONS.

THE MARQUESS OF HARTINGTON asked, If it was to be understood that the Army Discipline and Regulation Bill would be proceeded with at the Morning Sitting on the morrow (this day); and, if the Government could state

what Business they intended to take on Thursday?

THE CHANCELLOR OF THE EXCHEQUER, in reply said, the Army Discipline and Regulation Bill was to be taken to-morrow at the Morning Sitting, and on Thursday they proposed to resume the adjourned discussion on Indian Finance.

MR. CALLAN: Sir, I should wish to ask the Chancellor of the Exchequer a Question which would convenience Irish Members very much to have answered. It is, Whether it is his intention to bring forward the Irish Estimates, or the Scotch Universities Votes before this day week?

SIR HENRY SELWIN-IBBETSON: Sir, the promise which has already been given does not apply to all the Irish Estimates, nor to the Votes for the Scotch Universities. It is proposed to take the Irish Law Votes.

MR. CALLAN: I understood that before the Recess some Member on the opposite side stated that none of the Irish Estimates would be taken on the first night after the Recess. Might I ask if that is so?

SIR HENRY SELWIN-IBBETSON: I suppose I am the Member of the Government referred to. At all events, what I did say was that I would take none of the Votes objected to by certain hon. Members for Ireland; but with regard to the Irish Law Votes I made no promise. I gave no pledge whatever and I would not take the Law Votes of Class III. In fact, I did say I would take Class III. as it stood.

ORDERS OF THE DAY.

SUPPLY—CIVIL SERVICE ESTIMATES.

[*Progress.*]

SUPPLY—considered in Committee.

(In the Committee.)

CLASS III.—LAW AND JUSTICE.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £129,351, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Expense of the Maintenance of Juvenile Offenders in Reformatory, Industrial, and Day Industrial

Schools in Great Britain, and for the Salaries and Expenses of the Inspectors of Reformatories."

MR. JAMES STEWART said, that in the absence of his hon. Friend the Member for Paisley (Mr. W. Holms), he would move the reduction of the item of £112,000 for Industrial Schools in England by the sum of £6,891. It would be remembered that last Session exception was taken to this Vote on the ground that there was no valid reason why the allowance for children in the industrial schools for Scotland should be less than the allowance made in England. The hon. Gentleman the Secretary to the Treasury (Sir Henry Selwin-Ibbetson) stated, then, that the Government were prepared to take the matter into their consideration, and upon that understanding the Scotch Members did not press the matter to a Division. He (Mr. James Stewart) thought it was incumbent on the Scotch Members now to do more than they did last year, because they felt disappointed that the Vote should not have been equalized, and the payment for children in Scotland placed on the same footing as that for children in England. He, therefore, begged to move the Amendment which stood on the Paper in the name of his hon. Friend the Member for Paisley.

Motion made, and Question proposed,

"That the Item of £112,000, for Industrial Schools, England, be reduced by the sum of £6,891."—(Mr. James Stewart.)

SIR HENRY SELWIN-IBBETSON submitted that when this question was under discussion last year, he expressed the intention to look into the case with the view of seeing whether this payment ought not to be raised in Scotland to the amount paid in England. As the result of the inquiry he had made, he was prepared, on behalf of the Treasury, to accept the recommendation of the Inspector of Reformatories in favour of any school that was placed in this invidious position. The case really stood in this way—In 1861 the Scotch reformatory schools were paid at the rate of 4s. per child, which grant was raised in 1867 to 4s. 6d., at which figure it now stood. With regard to the English scale, all schools that dated before 1872 were in receipt of 5s. for every child of the same age as those children for whom

the Scotch schools were paid 4s. 6d. per head. He should be prepared, on the part of the Treasury, to raise the sum of 4s. 6d. to 5s. in cases where the Inspector of Reformatories, having satisfied himself that the school was an efficient one, had certified that it was founded before 1872. He could not place the Scotch schools in a different position with regard to schools founded after that date, which were paid at the rate of 3s. 6d. per child.

SIR GEORGE CAMPBELL said, they could not ask more than that the Scotch schools should be placed precisely on the same footing as the English schools. He desired to know from the hon. Gentleman the Secretary to the Treasury, whether the English schools were to be subjected to the same condition as the hon. Gentleman had just stated would be imposed as regarded the Scotch schools in respect to the payment of 5s. per child, and whether a certificate was required before the payment was made?

SIR HENRY SELWIN-IBBETSON said, that was the rule under which the English grant was made; and all he could say was that, in making this addition to the Scotch rate, these schools would be subjected to the same condition that the English schools were subjected to—that was, that there must be a certificate of efficiency. Already the Treasury had sanctioned an increase at this rate to the industrial schools at Edinburgh and Glasgow; but it had never been carried out.

MR. C. S. PARKER thanked the hon. Baronet for the concession he had made. He was sure that the Scotch Representatives were satisfied with the concession as now explained, and he hoped that the new arrangement would take effect immediately.

MR. JAMES STEWART said, after the explanation of the hon. Baronet the Secretary to the Treasury, he would withdraw his Amendment.

Motion, by leave, *withdrawn*.

MR. W. H. JAMES asked for an explanation of the diminution to the extent of £1,000 in the grant to the Day Industrial School. As far as he was aware, there was only one school of the kind established throughout the whole of England, and it would be re-assuring if the hon. Baronet could state that it was being carried on successfully, and

at the same time state why it had been thought right to reduce the grant.

SIR MATTHEW WHITE RIDLEY pointed out that there were three day industrial schools—two in Liverpool, and one at Bristol. The reason for the reduction of the grant was that it was found last year that £2,500, which was the sum taken, was largely in excess of what was required. It was expected that £1,500, which was now taken, would cover the whole of the cost of these establishments.

MR. BIGGAR said, that an hon. Friend had given Notice of an Amendment to reduce the Vote by £5. He (Mr. Biggar) had no proposition on the Paper; but he begged leave to move the reduction of the Vote by a similar sum, for this reason—that they in Ireland, as compared with England, were somewhat unfairly treated in respect to reformatory and industrial schools. He believed that in England the number of children who could be sent by the local magistrates to such schools was perfectly unlimited—that, in fact, the reformatory schools were bound to receive as many young persons as were sent there by the magistrates, if there was sufficient accommodation for them. But, unfortunately, in Ireland the case was thoroughly different. The local Inspector, no doubt, a very estimable gentleman, on his own responsibility stipulated what number of boys or girls, as the case might be, should be sent to the reformatory schools. He particularly wished to direct the attention of the Committee to the Roman Catholic Reformatory School for boys at Belfast—a school capable of accommodating, so far as dormitories and general internal arrangements were concerned, as many as 160 boys; but the Inspector only certified that accommodation should be given for 75 boys. The result of this was that the promoters of the school, who had gone to considerable expense in filling up the establishment for the required purpose, had one-half of the money expended unused. That was a great grievance; and it was felt to be one by the local magistrate, who was a Protestant and of Conservative politics; by the prosecuting authority of Belfast, which was purely Conservative, and also by the manager of the school; and he held that until the grievance was redressed, some limit should be put upon

the amount granted by Parliament for the support of reformatory schools. Not long ago, Mr. Hamilton, the magistrate of Belfast, had one boy before him whom he wished to send to the Roman Catholic Reformatory; but, unfortunately, the reply he received was that there was no accommodation for the boy on account of the limit put upon the number of boys who were to receive free lodging by the certificate of the Inspector. In the whole of the Province of Ulster there were only two reformatory schools—one for Protestant boys, and one for Roman Catholics. Notwithstanding that there were constant applications for admissions in the Catholic school, the Inspector would only certify for 75; whereas he gave a certificate in respect to the Protestant school for 350 boys, the two sects in the Province being about equal. The Inspector was himself a Roman Catholic; but he gave the Protestants greater privileges than he accorded to his co-religionists. In point of fact, the Protestants did not require so much accommodation as was provided for them; because he (Mr. Biggar) found that, according to the last Return, there were only 126 boys in the school, a certificate being given for 350. The Government ought to give some assurance that the grievance under which the Catholics of Belfast laboured in this matter would be redressed; in fact, that the certificate for 125 boys should be transferred from the Protestant school to the Catholic school, which number of boys could be reasonably accommodated in the present building. That could be done without any increase on the charge for which certificates had been granted. The Roman Catholics would be materially benefited without any injury accruing to the Protestants, who had now more accommodation than they really required. The system of limiting the number by hard-and-fast lines told very hardly against Roman Catholic children. One argument against the Irish claim, in respect to these schools, was that a higher rate was paid in Ireland; but he found that in England and Scotland a very similar rate was paid. In Scotland a very large proportion of the children were paid for at the rate of 4s. 6d. per week; whilst 6s. was paid in England in the case of the older children, and a very large proportion were paid for at 5s. In Ireland, the rate was 5s. all round; so that, in reality,

even so far as the rate was concerned, there was very little advantage to Ireland. Now, if it were said that the average rate in Ireland should be brought down to the average rate in England, and that, at the same time, they should be allowed to put in as many children as they wanted in the Irish schools, he would be better satisfied. The manager of a school would be much better pleased to get as many boys at 4*s.* 6*d.* a-week as his school would accommodate than to receive 5*s.*, and to have to refuse thoroughly eligible subjects, as at present. He begged leave to move the reduction of the Vote by £5.

THE CHAIRMAN said, it was the practice to move the reduction of a Vote by a more considerable sum than had been named by the hon. Member, or, at least, by an amount equivalent to some head or item of the Vote. He thought that he should not be following the usual practice if he were to put to the Committee a reduction by £5, that amount not arising in any form connected with the Vote.

MR. BIGGAR said, the question he wished to raise was this—that in England an unlimited number of children were taken into these industrial schools, if there were accommodation for them in the building; but in Ireland the case was different. The Irish schools were limited to a specific number, and could not take any beyond that. He did not wish that the amount given for industrial schools in England should be substantially reduced, but only to raise a question of principle—namely, as to whether or not there should be a limited number of admissions in Ireland, and whether thoroughly eligible candidates should be turned away on account of arbitrary and unreasonable certificates?

MR. A. MOORE said, that in placing a similar Amendment upon the Paper to that just referred to, he did so for this reason—He should be very sorry to be found voting against any sum of money being devoted to this most useful purpose of industrial schools in England; but he merely wished to call attention to the very arbitrary course which was pursued by the Treasury in the matter of the Irish schools, which were dealt with very differently to those in England. In 1872, there was a Treasury Minute passed reducing the amount of the allowance paid per head on all children in

industrial schools in England and Ireland to 3*s.* 6*d.* per head, and people were asked, as he understood it, to open new schools at 3*s.* 6*d.* per head. That Minute was now in operation, and it was expected that Irish managers would open new schools at 3*s.* 6*d.* per head, which it was utterly impossible for them to do. If children could be kept for that sum, what excuse could be given for paying 5*s.* and 6*s.* in England for the maintenance of a large proportion of the 9,000 children in the schools of that country? He was not going to make a wholesale accusation against the Treasury. All the schools at present in operation in Ireland were receiving 5*s.* per head, and there were many schools in England which were not receiving so much; but he complained that this arbitrary rule was launched by the Treasury, cutting down to 3*s.* 6*d.* all new schools which might be opened after a certain date. [Sir HENRY SELWIN-IBBETSON: It was not in 1872.] The hon. Baronet intimated that it was not in 1872. Well, it might not have been in 1872 in Ireland, but it was in England, and the rule now applied in a most harsh way to Ireland, simply from this fact—that in England they had local bodies and laws enabling them to contribute to the schools, but in Ireland they had only one class of local body. In England they had school boards, contributing, in some cases, as much as 4*s.* 6*d.* per week, which would make a total of 8*s.*, even with the minimum grant. But in Ireland they had not got the same local resources; and last year, when a Bill was brought in to give other local bodies in Ireland power to contribute, it was blocked by Notices of hon. Members on the Government side of the House. They exercised their undoubted right, of which he could not complain; but he did complain that a law had been issued that new schools were only to receive 3*s.* 6*d.* That might act in England, where they had other local bodies empowered to contribute, but it could not act in Ireland; and although he fully appreciated the good motives of the Treasury in doing this in order to compel local support, and to prevent idle parents from being relieved of the charge of the maintenance of their children, he knew it was the opinion of those who were competent to judge, and of the authorities of the English schools themselves, that al-

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though that rule might work in England, it could not in Ireland. What had, in fact, happened since the rule was passed? In England people had been willing to open new schools, because they were well aided; but it had crushed out new schools in Ireland, and not a single new school had been opened there since then. He found that 6,200 out of 9,000 children in the English schools were paid for at the rate of 5*s.* and 6*s.* per week; and if those sums were required in this country for a very large majority, it was quite evident that 3*s.* 6*d.* could not be enough in Ireland. It was proposed to apply the rule in question only in reference to new schools to be established; and, in the face of that decision, he wished to know what earthly excuse there was for maintaining the old grant in the old-established schools? He argued that the Government should seriously consider the matter, with a view that something might be done, not to crush further progress, but to enable new schools to be opened on a reasonable basis.

THE CHAIRMAN said, any Amendment of an Estimate should be one that raised a question of a substantial reduction. The hon. Member's observations had been perfectly germane to the Question before the Committee; but he (the Chairman) did not think he should be acting in accordance with precedent in putting to the Committee a reduction of £5.

SIR HENRY SELWIN-IBBETSON thought a short explanation would clear up a great deal of the difficulty and doubt which appeared to exist. The real facts of the case were these—In 1872, on its being found that the sums paid were really too liberal—namely, 5*s.* or 3*s.* from 6 to 10 years, and 3*s.* more from 10 to 16 years—and encouraged too much the admission of children whose parents ought to support them, but wished to get rid of them, the Government reduced the grant to new industrial schools in England alone to 3*s.* 6*d.*, at which it now stood. At that sum a large number of schools had been started, and were being properly and effectively worked. Nothing was done in 1872, or subsequently, with regard to Ireland, where 5*s.* had always been paid, without any distinction of age, and without any of the minor sums which were given in Scotland and in

England for the younger children. But in order to prevent the very thing which the new rule was passed to prevent in England, a limitation was put upon the number of scholars in Ireland by making it obligatory that the consent of the Lord Lieutenant should be given to the number of children for which schools were certified; and that had acted as a check upon the too rapid increase of these schools in Ireland, which would not really operate in the direction in which hon. Members all wished to see them operate—namely, for the repression of crime and the improvement of children who were either destitute or criminal. Last year his attention was called by Irish Members to that restriction. They said it placed the industrial schools of Ireland on a different footing to those of England, and he was asked to consider whether he could not bring about some similarity. Well, of course, if that limitation as to number were taken off, and if in Ireland they were to be allowed to create these schools in any number, only fulfilling the condition that the English schools had fulfilled of thorough efficiency, then the Irish managers ought not to complain if they were placed on an identical footing with the English as to the grant. Therefore, he proposed last year to abolish the restriction, and to reduce the grant to 3*s.* 6*d.* for children between the ages of 10 and 16 years. What had been the result? He had had two, if not three, cases from Ireland, pointing out just what the hon. Member for Clonmel (Mr. A. Moore) had stated this evening—that it was impossible, in the opinion of people in Ireland, to maintain these schools on the 3*s.* 6*d.* grant. He had endeavoured to bring the Irish schools down to that condition of grant in order that he might relax the limitation upon the numbers, and really place them on identical terms with the grants in England.

MR. A. MOORE observed, that the hon. Baronet the Secretary to the Treasury had not relaxed the regulation referred to.

SIR HENRY SELWIN-IBBETSON replied, that he had not, because of that objection, and because of the statement that they would not open schools on the more moderate amount. It had gone so far, however, that, within a few weeks, he had relaxed the rule at Dungarvan

school, which was limited to a certain number of boys. The Treasury had consented to the admission of the additional number asked for, provided they were taken at the reduced rate, thus bringing them into accord with the English system. Since then he had had applications from that school and neighbourhood, pointing out the impossibility of carrying on the school on such terms, and he had at last consented to a larger number of boys being taken at the larger sum of 5s. per week. If the hon. Member looked at the comparative numbers, he would see that the amounts granted in Ireland were far in excess of those granted in England and Scotland, because all the boys were treated on the same condition, irrespective of age. If, however, uniformity was to be brought about, the Irish schools must accept the same terms as the others; and if they would do that, he would agree, on the part of the Treasury, that the limitation should be at once abolished. But it must be on condition that the terms were identical, financially and otherwise, and then they would bring about in Ireland the result which had been attained in England by operating in another direction.

MR. A. MOORE inquired whether the hon. Baronet would be good enough, also, to introduce a measure to equalize the powers of local bodies to contribute?

MR. BIGGAR said, there were some things which the hon. Gentleman the Secretary to the Treasury seemed to have overlooked. In many cases, the managers of the schools paid a considerable amount out of their own pockets for children in excess of those for whom the Government grant was given. In a school in Wexford there were 23 of these "free" children; at Tralee, 11; and at St. Vincent, Limerick, there were absolutely 92; at another place in Limerick there were 62; at Roscommon, 44; and at Sligo, 44 free to 30 children who were paid for, which reduced the average payment to less than 2s. 6d. per head. Another point of difference between the English and Irish schools was that, in the former, children were allowed to be paid for over the age of 16, supposing they were learning a trade; but, in the latter, the grant was withdrawn at that age. If the hon. Baronet asked the managers of schools to maintain children for less than 5s., it

was impossible to do so. The average cost for boys was somewhere about 8s., so that at present the remaining 3s. had to be made up by the local authorities.

SIR HENRY SELWIN-IBBETSON said, it was far from the wish of the Government to throw any obstacle in the way of what was admitted to be one of the best means of reducing the criminal population. A great deal of the opposition of hon. Members arose from misapprehension of the facts. The English system was not contributed to by the rates in nine cases out of ten; certainly a very large proportion were supported by the Government grant and voluntary contributions. Most of the schools were created by voluntary efforts, supplemented by the grant. There were county industrial schools which had a claim on the rates; but an immense deal of the industrial school work of England was done by voluntary effort; and it was because he thought voluntary efforts ought to be encouraged that he had said he should only be too glad to see the Irish schools placed in identically the same position as they were placed in the other two parts of the Kingdom. If the Irish people really felt as strongly on the matter as was represented, they would make an effort to follow the example of England, and they would find that the cost of these schools was not so large as was stated by the hon. Member for Cavan (Mr. Biggar). The majority of the voluntary schools in England were supported at an average cost of 7s. per head per week, and he was satisfied that for that amount a proper industrial school could be efficiently carried out. Therefore, if a half was contributed by the State, it did not leave a very large amount to be met by voluntary effort, which in England had always been forthcoming. It had been suggested by the hon. Member for Cavan that, after a certain number, all children should be paid for at a reduced rate. That was the very proposal which he (Sir Henry Selwin-Ibbetson) made in two cases; but he was told in both cases that the managers could not accept it, and he was placed in the position of being obliged to grant 5s. per head for all. He need hardly point out that, however carefully these schools were managed, when they were paid so largely as that, the inducement was very great to thrust into the schools children who

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ought to be kept by their parents. If he could see his way to a solution of this most difficult question he should be exceedingly pleased, because, as he had already said, the system was one that he should like to see encouraged, not only in England, but also in Ireland. He must notice one point which had been alluded to by the hon. Member for Cavan, who complained of the scarcity of reformatories provided for Roman Catholic boys. That, he believed, would be found to be merely the result of want of local energy and want of effort, rather than the fault of a very able public servant, the Inspector of Reformatories, whose sympathies were certainly not in favour of reducing the number of these schools in the country.

MR. A. MOORE felt quite sure the hon. Baronet the Secretary to the Treasury wished to arrive at a fair solution of the differences between the two countries; but he desired to correct the error into which the hon. Gentleman had fallen when he said there were no voluntary efforts made in Ireland—

SIR HENRY SELWIN-IBBETSON said, he had not expressed that view. What he remarked was that the voluntary contributions in Ireland did not amount to a sum in connection with the Government grant so large in comparison as it did in England.

MR. A. MOORE said, the hon. Gentleman spoke of the great voluntary efforts in this country, and said these schools were mainly due to voluntary effort. But the fact was, local bodies in this country largely assisted. For instance, the county magistrates of Middlesex built Feltham, the cost of the land and buildings being about £150,000. In Ireland, private individuals supplied every shilling spent on these industrial schools there. Thus, a large school outside Dublin, containing 700 boys, cost £30,000 of private money. He hoped the House would not be led into the impression that there was no voluntary effort made in Ireland. But he did not wish to pursue the subject further. A resolution had been passed cutting down the amount to 3*s.* 6*d.* The Elementary Education Act did not, he was glad to say, apply the school boards to Ireland; but in England there was the assistance afforded by these boards, and to ask these schools in Ireland to go on at the 3*s.* 6*d.* rate was to ask an impossibility.

MR. W. HOLMS said, that in Scotland generally industrial schools had been established by private subscriptions, and were supported from this source assisted by Government grants. He would take this opportunity of thanking the hon. Baronet the Secretary to the Treasury for having agreed to place Scotland in the same position as England and Ireland in regard to the amount of the grant per child. That was all that the Scotch people wanted.

MAJOR NOLAN feared that the change was but the thin end of the wedge, and though the financial difference, as now proposed, was slight, yet it might ultimately be fraught with important consequences. If the hon. Baronet the Secretary to the Treasury would promise that the present number of children would be always left under the 5*s.* rate, then the change would not be nearly so bad.

SIR HENRY SELWIN-IBBETSON said, his proposal was that schools in the future would be treated in the same way as they were in England, and additional schools and additions to the numbers of boys in existing schools would be under the 3*s.* 6*d.* system; but old schools, with the numbers now sanctioned, would be under the old system of 5*s.* In one instance, where, in the case of some 50 boys, the proposed limitation to 3*s.* 6*d.* was put in force, it was again raised to 5*s.* in compliance with the urgent request of the neighbourhood, so that there was no disposition to make this the thin end of the wedge. If it was wished to place Ireland in the same position with England as regarded these schools, that could only be done by accepting the financial part of the question as well as every other part of the position. If that was done, all the schools with the numbers already sanctioned would be paid for at the 5*s.* rate, while all additions would be treated under the new 3*s.* 6*d.* system.

SIR GEORGE CAMPBELL thought the thin end of the wedge alluded to was being driven in an opposite direction to that feared by Irish Members. Instead of there being anything contrary to Irish interests, it seemed to him that the thin end of the wedge was what had been done in favour of some 50 boys beyond the prescribed number, and who, in Scotland, would only receive 3*s.* 6*d.* Scotch Members

had to thank Government for putting Scotland on the same footing with England, and it was only fair that Ireland should be placed on an equal footing. He hoped the Treasury would maintain their position, and not allow this thin end of the wedge, as regarded these 50 boys, to be driven any further. There was another point to which he wished to direct attention, and that was to training-ships. He was a member of a deputation from Scotland which waited on the Home Secretary, and the right hon. Gentleman gave hopes that their representations would be favourably considered with regard to the great advantage of those ships, and especially with regard to the training ship on the Tay and its advantage to Scotland. When he considered that a boy in a training-ship only cost the Government 6*s.*, whereas a boy in an industrial school on shore cost 5*s.*, he thought the additional 1*s.* in the former case was well spent in the endeavour to turn the worst part of our juvenile population into efficient seamen; for, as they had suggested to the Home Secretary, the Mercantile Marine was at present inefficiently supplied with sailors, and was obliged to man largely with foreigners. The coasting population did not now supply the Marine to the extent that it formerly did; and, therefore, these training-ships did the country service not only by reclaiming boys from vice and misery, but by raising up a body of seamen much wanted by our Merchant Marine. He, therefore, ventured to hope that the Government would endeavour to increase the number of boys on board these ships, and that, in all arrangements affecting industrial schools, the claims of training-ships would be fairly considered.

Mr. O'DONNELL said, he would not reply to the observations of the last speaker (Sir George Campbell) upon Irish affairs. Too frequently had the hon. Member shown his ignorance of them to make it necessary to reply on this occasion. A fair solution of the question had been touched upon, but, only incidentally, by the hon. Baronet the Secretary to the Treasury. With regard to the Dungarvan school, the hon. Gentleman said he had found it necessary, after the proposed limitation had been made upon the numbers over a certain number, to raise the grant again to 5*s.* at the urgent request of the

neighbourhood. Now, Irish Members would be quite content to allow the Government to establish a rule making the grant generally only 3*s.* 6*d.*, except in cases where the general consensus of the neighbourhood pointed to the fact that 3*s.* 6*d.* would be entirely inefficient. That would be a thoroughly satisfactory solution. He did not at all see the aptness of the Government argument, that they had cut down the sum for the maintenance of the boys, in order to limit the temptation to throw boys on the public who ought to be supported by their own parents. The sum to be made up would certainly not come out of the pockets of these parents, and he could not see how the parents would be restrained by this proposition. Safeguards should be applied in another direction. Let the tests be more strict to insure the boys being deserving objects, and let the experience and opinion of the neighbourhood have a voice in determining the sum necessary for their efficient maintenance. He objected to the opinion expressed by some hon. Members, that Irish Members were asking exceptional privileges for Irish industrial schools—in fact, another illustration of the way in which Ireland desired those wants supplied out of the Imperial Exchequer which in England and Scotland would be met by local contributions. The hon. Member for Clonmel (Mr. A. Moore) had pointed out that there were large contributions out of local funds in these cases in Ireland, and the Committee should remember that in all these demands on the Imperial Exchequer Ireland was impelled by the great poverty of the country. English Members might talk of local contributions and the handsome donations of local landlords; but hon. Members on both sides should remember the initial distinction between the two countries. Ireland was regularly depleted from year to year. English Members might boast of landlords and munificence; but they had not to contend with absentee landlords. Irish rents were spent in England. That fact was too notorious; and until that was remedied Ireland must apply to the Imperial Exchequer for assistance.

Mr. BIGGAR said, that in corroboration of the statement that the people of Ireland were unable to support these schools, he would cite an instance where a landlord in Cork, with a rental of

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£14,000 a-year, spent only 12s. a-week in the place. How, then, could it be expected that local subscriptions to these schools could be very large. He would not divide the Committee upon the point, however, even if he were able, all that he wished to do being to call attention to an undoubted grievance.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

“That a sum, not exceeding £20,125, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England.”

MR. RYLANDS moved, as an Amendment, that the Vote be reduced by the amount of £2,000, with the object of impressing upon the Government the necessity of dealing with Broadmoor Asylum in a more economical manner than had hitherto been practised. Two years ago, so unsatisfactory was the state of expenditure with regard to this institution, that the Home Secretary appointed a Departmental Committee, with the object of ascertaining whether some great improvements could be made. The Home Secretary was not by any means satisfied with the state of affairs then, and he (Mr. Rylands) did not think he could be more satisfied now. At all events, on the face of the Vote and the amount of expenditure, unless the Home Secretary could give satisfactory assurances that the expenditure would be reduced, the Committee would be justified in reducing the sum. The Report presented by the Committee to which he had alluded was of a remarkable character. On this Committee were five Gentlemen, all of very considerable authority, and the minority of two Members had such an unfavourable opinion of Broadmoor that they recommended the institution should be closed, the building pulled down, and that, making the best of the materials, a new asylum should be erected under conditions admitting of more efficient and economical control. However, the majority of three thought this drastic remedy hardly necessary. They did not think that a large public building, erected within 16 or 17 years, and under the authority of Government, could be de-

cided to be so entirely unsuited as to make it necessary to be pulled down. They, therefore, recommended that, instead of pulling down this building, erected at enormous expenditure, considerable alteration should be made to secure efficient and economical management. But he (Mr. Rylands) could not gather from the Estimates that any of these recommendations had been adopted—perhaps, the Home Secretary would tell the Committee. He remembered that the Committee were of opinion that there was a large amount of unnecessary expenditure, increasing from year to year, on ordinary repairs of buildings, roads, fences, and drains; but he found that last year £2,000 had been spent in that way, and the Estimate contained a similar amount—an expenditure most extraordinary under the circumstances. There was an increase also by the introduction of a new item of £900 for new buildings and alterations, and that was the only evidence on the face of the Vote that anything was being done to carry out the recommendations of the Committee. He called attention to the fact that the cost of lunatics confined in this asylum was very much in excess of the cost of prisoners in gaols, and of the cost of lunatics in the lunatic asylums of the Kingdom. He was anxious the Committee should bear in mind that, though the Home Secretary declined to accept the management of this as a Government institution, yet, in point of fact, it was a Government institution. It was under the control of the Home Office, and, perhaps, they would hear how far the Home Office was able to exercise that control. There was an omission in this Estimate, to which he directed the attention of the Secretary to the Treasury. There was no statement of the number of lunatics confined in the asylum, and for which the Estimate was prepared. It would be observed that in the Estimate for Convict Prisons this information was furnished.

SIR HENRY SELWIN-IBBETSON directed the hon. Member's attention to page 222.

MR. RYLANDS said, he was obliged to the hon. Gentleman. He had found the information he required. In the useful Paper issued by the Secretary to the Treasury in March last, there was a statement of the average cost of the inmates of the Broadmoor Asylum. In

passing, he wished to observe that the Home Office took credit to themselves that the Vote would have shown a larger reduction, but for the item of £900 for new buildings. The net decrease was £696; and but for this £900, the absolute decrease would have been £1,596, which the Home Secretary would consider a material reduction. But, having regard to the decrease in the price of provisions and materials, and bearing in mind the Report of the Committee, he (Mr. Rylands) thought a much larger diminution of expenditure should be shown than the £1,596 for which the Home Office took credit. Much of this £1,500 was due to the reduction in the cost of maintaining the inmates. By way of comparison, let them look at the Convict Prison Estimates, and compare them with the Estimate for Criminal Lunatics. In convict establishments the cost per prisoner had been reduced from £38 10s. in 1878 to £37 8s. in 1879, and the cost in local prisons had been reduced from £24 19s. to £23. But in this case of Broadmoor the reduction was from £56 1s. in 1878 to £55 15s. in 1879. That was a reduction of but 6s. per head, and was by no means in proportion to the saving in the cost of food, &c. Perhaps they would have some explanation of this. Next, he wished to call the attention of the Committee to the important fact that while under this Vote they paid £55 15s. as the cost of criminal lunatics in Broadmoor, the cost for them in asylums managed by the county magistrates, and under the control of the county Justices, was very much less. In his county of Lancashire it was less than half, for he found from a Return presented to him as a magistrate for that county in the year 1878-9 was £21 18s. 2d. for Prestwich, £24 3s. 2d. for Rainhill, and £25 9s. for Whittingham; or an average of £23 per head. One of the main reasons for the difference arose from the difference in the cost of the staff. At Broadmoor the attendants cost per prisoner £19 10s. 5d.; while at Prestwich, in Lancashire, it was £4 16s. 4d., or only about one-fourth of the charge at Broadmoor. They might be told that a very much larger staff was required to manage a criminal lunatic asylum than an ordinary county lunatic asylum. He was prepared to dispute that altogether; and he did not believe that anything

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like the excess represented by the difference in these figures was necessary. In the asylum at Prestwich, for instance, there were a number of very violent lunatics; while the evidence taken before the Departmental Committee showed very distinctly that even harmless lunatics required constant attendance because of the suicidal mania with which they were afflicted. A large number of attendants were required, for instance, at Prestwich; but even admitting that a larger staff was required at Broadmoor than at the county lunatic asylums—and he was not prepared to say that some little excess was not justified—still the amount charged in the Estimates did appear to him to be beyond all reason. There could be nothing to justify so great a divergence as that between £55 15s. and £23; and as he was decidedly of opinion that these charges were excessive, he should move the reduction of the Vote by £2,000, and unless some satisfactory explanation of the difference were given, the Committee would do well to support him in making the reduction.

Motion made, and Question proposed,

"That a sum, not exceeding £18,125, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Maintenance of Criminal Lunatics in the Broadmoor Criminal Lunatic Asylum, England."—*(Mr. Rylands.)*

SIR WALTER B. BARTTELOT regretted that some Notice had not been given of the Motion, as then the hon. Member for Berkshire (Mr. Walter) would have been present; and, doubtless, he would have been able, as a member of the Visiting Committee at Broadmoor, to have given them some reasons for the present state of things. This Vote had been before the House on many occasions; but still his hon. Friend the Member for Burnley (Mr. Rylands) had done good service in calling attention to the very high rate at which criminal lunatics were maintained in Broadmoor. He understood that his right hon. Friend the Home Secretary had made considerable changes at Broadmoor, and that the class of persons now kept there were lunatics detained "during the pleasure of Her Majesty." Those persons who had become insane while undergoing

punishment were not now kept in that prison, as he understood. Many of the persons now confined there were, therefore, more or less harmless, in no way violent, as many others were. What he particularly wished to call attention to was that criminal lunatics—that was to say, persons who had become insane while undergoing a sentence of imprisonment—were now sent to the county asylums. This was the very class which was formerly maintained at Broadmoor; yet they were now kept in these county asylums at a much less rate than what they cost when at Broadmoor. He thought it was very hard that these persons should be sent to the counties. They ought to be in some more appropriate place; and he had heard many complaints about the matter from visitors, doctors, and others. It certainly was very improper that pauper lunatics should be shut up with persons who had been convicted of felony, burglary, and it might even be, in a lesser degree, of something very like murder. Surely, when the country was paying a large sum for the maintenance of Broadmoor, the county ratepayers had a right to complain that the cost of these lunatics was thrown upon them, and that they had to maintain them in their asylums. His right hon. Friend had had Memorials from a large number of counties—if not, indeed, from most of the counties in England—complaining of this practice, and he did think that a very strong case was made out. For instance, at that moment, there were in Colney Hatch 17 criminal lunatics, and five of them were under sentences for life. Why were such men to be kept in an asylum of that kind? Surely, it was not fair that the county should be charged with the cost of their maintenance. Five of these came direct from Broadmoor; and he found that several others had come from various places, their sentences having expired, but being still under police supervision, and they were transferred to the asylum under the warrant of the Secretary of State. Such men ought not to be in a county asylum. The Government, he believed, had a prison, close by Broadmoor, called Knaphill, where criminal lunatics had been sent at times; and he did not see why that should not be done again. That was a proper prison for criminal lunatics. But the conduct of the authorities there had been bitterly

complained of in the way in which they sent discharged lunatics to the union in which that prison was situated. Strong complaints of this conduct had been made to the Home Secretary, though he had not yet had time to investigate them. He understood, also, that a Memorial to him was in course of preparation, complaining that these criminal lunatics, on their discharge, were taken to the workhouse and left there, instead of being passed to the asylum of the county from which they came. The Government had no right to ask the counties, after they had built asylums for these poor unfortunate suffering creatures, to put among them convicted felons and persons of the worst character. Some provision should also be made for criminal lunatics whose sentence had expired, many of whom were totally unfit to associate with ordinary lunatics in county asylums. Why should not his right hon. Friend, with 50 empty prisons at his disposal, fit up one of them in the North, and another in the South of England, to which could be sent these dangerous and violent lunatics? The counties, of course, would have to contribute for the maintenance of those whose sentences had expired. At any rate, he hoped the right hon. Gentleman would do something to relieve the counties from the necessity of receiving such persons into their asylums.

MR. ASSHETON CROSS said, when he came into Office he found at Broadmoor not only male and female prisoners sent there to be detained during Her Majesty's pleasure, who were not looked upon as criminals at all, because, of course, they were incapable of crime, but other persons mixed with them, who had been sentenced to various terms of imprisonment, and during those periods of imprisonment had become insane. Those, of course, were criminals; and though, having become insane, they could not, of course, be punished as such, still there was a difference, and a considerable difference, between them and the other class of prisoners. He found on inquiry that Broadmoor was built as a prison for persons acquitted on some charge on the ground of insanity, and that the other class had no business to be there at all. As a consequence, a great number of persons who ought to have gone to Broadmoor had been sent elsewhere, because there was no room

for them. He, therefore, thought it much better to clear Broadmoor of persons who ought not to be there than to mix up criminals and lunatics, which, in his opinion, was a very wrong thing to do. As to what was to be done with them, that was a matter for argument. Of course, the counties were bound to find asylums for their lunatics; but it was a question whether it would be cheaper or more economical to keep these criminal lunatics more distinct. The simple point to be decided was, whether the counties should provide the place, or whether the Government should provide a prison, not, of course, at the cost of the Government but at the cost of the county? He was not aware that the matter was to have been brought on that evening, or he would have been prepared to give further answers. His hon. and gallant Friend (Sir Walter B. Barttelot) had also complained that, in one or two cases, the criminal lunatic had not been delivered to the proper authorities. He had no recollection of any complaints on the subject; but he would have the matter looked into. Certainly, there was no reason why the persons in question should not have been properly handed over, and he thought there must be some blame to be attributed to the person in charge. With regard to the cost of Broadmoor, he was bound to say that that subject had been a thorn in his side for some time. His hon. Friend (Sir Henry Selwin-Ibbetson) went with him when he visited the prison, and he was bound to say that he came away rather more disheartened than when he went. The real mischief of the whole thing was that the prison was built in the most extravagant style from the outset, and the arrangements of the building were such as to make a permanent waste of money almost necessary. It was very difficult to get over the original faulty construction, both in buildings and in the arrangement of rooms. The enormous size of the place, the distances at which people were kept, and the number of servants consequently necessary, made it almost impossible to bring the average of cost down to the figure of the county lunatic asylums. The character of the lunatics to be taken care of, and the numberless acts of violence committed by them, made constant watching necessary in their case. They were very much more violent indeed

than the criminals who became insane. Something had already been done to reduce the expense, for whereas the Estimate in 1875-6 was £35,500, this year it was only £27,000; so that something had already been done to reduce the cost. As his hon. Friend opposite (Mr. Rylands) had said, the prison was not directly under his control. The management was vested in a body of Prison Commissioners, and he had only power over the Estimates by ordering them to be reduced. He did insist that they must be reduced, or they should not receive his signature. Accordingly, a considerable reduction was made; but, notwithstanding that, his hon. Friend (Sir Henry Selwin-Ibbetson) now told him that there would be a return to the Treasury of about £2,000. He very much regretted the absence of the hon. Member for Berkshire (Mr. Walter), who was now Chairman of the Prisons Board, and, therefore, really had a great deal more to do with the management of the prison than he had as Home Secretary. But he could tell his hon. Friends and the Committee that if there was one thing more than another which his hon. Friend the Member for Berkshire had impressed upon his mind, it was the necessity of reduction in expenditure. He hoped, with this explanation, his hon. Friend opposite would allow the Vote to pass. They had discussed over and over again whether it would not be cheaper to pull down the building and build it again elsewhere. The property certainly could not be sold at a price which would enable the Government to build again. The matter was not finally decided, for there were great difficulties in the way; but he hoped the hon. Member would leave the matter in his hands to see what could be done.

Mr. HIBBERT thought, after the promise given last year that this subject should be fully inquired into, his hon. Friend (Mr. Rylands) was fully justified in bringing forward this question. He himself rose to speak on the question raised by the hon. and gallant Baronet opposite (Sir Walter B. Barttelot), and he must say he was scarcely satisfied with the reply of the Home Secretary. He thought there would be great difficulty in dealing with these criminal lunatics in the way suggested. This particular class was as

Mr. Ascheton Cross

nearly allied to criminals as could be, and for years they were treated as such by being sent abroad. His right hon. Friend, on the other hand, had distributed them in various county lunatic asylums. He wished his right hon. Friend could see his way to putting this class by themselves in one of the vacant prisons; for he knew by his experience of the county lunatic asylums of Lancashire that they were a very difficult class to deal with, owing to their very unsafe character. In Prestwich Asylum, they had been obliged to build a considerable number of separate rooms of a more expensive character than those required for ordinary lunatics, in order to accommodate this class, who were of a most dangerous character. Judging by what he had seen of them, he should be very glad indeed if his right hon. Friend could see his way to placing this particular class of lunatics in a separate asylum, where also they would enjoy the advantage of being better treated than they were in county lunatic asylums. He could not agree that Broadmoor could be carried on as cheaply as a county lunatic asylum; but still he thought a very strong case had been made out for some reduction in the Vote.

MR. WHITWELL entirely agreed with the view of the hon. and gallant Member opposite (Sir Walter B. Barttelot), that lunatics of the class alluded to by him should be excluded from ordinary county asylums. Of that there could be no question. His hon. Friend (Mr. Rylands) had presented them with a very careful and clear comparison; but he feared that he had pressed the matter too far. From his experience of county asylums, he was persuaded that patients in Broadmoor did require much more attendance and care than ordinary lunatics. Though, of course, some of the expenses might be very much reduced, still, from the nature of the building itself, it was impossible to make them as small as they were in county asylums, while to sweep away the prison altogether would only be going further and faring worse.

SIR WALTER B. BARTTELOT pointed out that his right hon. Friend, in his desire not to mix up the innocent with the guilty in the Government prison, had done the very thing which he wished to avoid, by mixing up the innocent and the guilty in the county asylums. As his right hon. Friend had

taken over all the prisons in the country, he considered that he, or his Department, was bound to provide some accommodation for those persons who had become insane after some sentence of imprisonment had been passed upon them. His right hon. Friend had said that the counties ought to provide for their own criminal lunatics. But they had nothing to do with those undergoing sentences. But there were persons who had undergone sentence, and whose sentences were expired, who also, as he had explained, ought not to be in county asylums. Then came the question, what was to be done with them? He did hope his right hon. Friend would make some provision for these unfortunate people.

MR. ASSHETON CROSS explained, that he only said that the counties must provide for these lunatics. He quite agreed that while they were under sentence the Government must undertake the care of them. But when that sentence had expired, these persons became ordinary lunatics, and the care of them devolved on the counties.

MR. FLOYER felt himself much indebted to the hon. Member for Burnley (Mr. Rylands) for bringing forward this question, for everyone who had had anything to do with the management of county asylums knew that one of the greatest difficulties they had to contend with was the care and guarding of these criminal lunatics. They could not stop escapes without a very much larger staff of attendants than was otherwise necessary, or unless they practised a system of confinement which, happily, was now a thing of the past. Escapes, therefore, did happen. Yet, when they had to deal with these criminal lunatics, it was very important that they should not escape, as such an accident might be attended with very serious consequences. Men suffering from homicidal or murderous propensities might escape, and it was very difficult in ordinary county asylums to take such effectual precautions as would absolutely prevent escapes. He did, therefore, venture to press upon the Home Secretary the very great importance and necessity of making such provision as his hon. and gallant Friend (Sir Walter B. Barttelot) had suggested. Usually the number of criminal lunatics in the country was very small; and it was almost impossible, without very great and unneces-

sary expense, to make proper provision in those asylums for these persons. It had been suggested that two prisons, one in the North and one in the South, should be devoted to the reception of this particular class; and he thought that accommodation would be adequate, and something which it was very desirable should be granted. Undoubtedly, the experiment conducted at Broadmoor had been, up to the present time, of a very expensive character. For instance, there were two clerks and two assistant clerks to keep the books, and in that point he thought there might be some reduction made. Certainly, he knew from his own experience that one clerk was quite sufficient for the work, if it were only done in a proper and ordinary way. He admitted, with his hon. and gallant Friend, that more attendants were requisite than in an ordinary asylum to deal with these criminal lunatics. Still, there was great room for reduction of expenditure, and he was glad to hear that the Home Secretary was doing his best to bring it about. They all knew the practical ability and knowledge of the hon. Member for Berkshire (Mr. Walter); and he, therefore, hoped that this conversation would not be without some result.

MR. RAMSAY, having on more than one occasion called attention to this matter himself, was glad that the hon. Member for Burnley (Mr. Rylands) had brought it now before the Committee. The expense of one prison under the management of the Home Secretary ought not to be greater than another, and until that result was arrived at hon. Members would do well to continue to debate the Vote. He had himself visited Broadmoor in order to discover what was the cause of this great difference in expense, and certainly he thought there was nothing in the arrangement of the building which justified it. It was quite true that criminal lunatics did require greater attention and restraint than ordinary patients in county asylums; but, then, the persons confined in Broadmoor were not at all of that class. However insane they might have been at the time of their trial, many of them certainly were not now insane; and, therefore, the expense incurred for their maintenance and detention was not greater than that required for an ordinary insane person.

Mr. Floyer

He did hope that the right hon. Gentleman, having turned his attention to the cost of Broadmoor, would continue his efforts in the direction of economy until he was able to present an Estimate reduced by at least one-half from that now before them.

SIR ANDREW LUSK asked, if it was worth while to spend so much time about a few lunatics at Broadmoor, when there were so many others in the country? This was a very small Vote, and a peculiar Vote. These were persons who had been declared by doctors to be insane, and not to understand the nature of the crime which they had attempted or committed. They were, as a consequence, taken care of and sent to Broadmoor, in order to prevent the possibility of their committing the same crime again. It was easy to find fault; but it was not so easy to manage a prison of this kind. He did not object to the Vote, for it must always be an expensive and troublesome matter to look after persons of this description.

MR. RYLANDS said, after the statement of the Home Secretary, he should not think of pressing his Motion to a Division, for it was satisfactory in every way. He knew the right hon. Gentleman was most anxiously desirous to keep down expenditure. He had the greatest confidence in him and in the hon. Member for Berkshire (Mr. Walter), and he believed they would be able to make considerable reductions. He should look forward with confidence to the next Estimate, and would now ask leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(3). £49,613, to complete the sum for the Lord Advocate and Criminal Proceedings, Scotland.

MR. O'DONNELL wished to ask a question with reference to Dundee. He should be glad to know how far the right hon. and learned Lord Advocate had proceeded in dealing with the recent riots in Dundee? Catholics were very much indebted to the Law Officer for Scotland for the fair-minded and courteous way in which he had answered the Question put to him some time ago on this subject; but there was a good deal of curiosity felt by them to know how the affair was going on now. It seemed

that there had been a public meeting in Dundee, a few days ago, to discuss the question, from which he gathered that the Lord Advocate was making some inquiries. Had anything been decided upon? Of course, if the thing was still pending, he would not harass the Lord Advocate by pressing the question. In calling attention to the disturbances, he (Mr. O'Donnell) was actuated in no way by any desire to restrain the fullest freedom of discussion on all questions, religious and political; but what the Catholics and a great many of the Protestants of Dundee complained of was, that the mask of religious discussion was merely assumed by a low adventurer and impostor to commit a gross outrage upon the religious convictions of a section of the population. He understood from the right hon. and learned Lord Advocate that the Scotch law was broad enough and strong enough to deal with a case of this kind, and he merely wished to know if the inquiries were ended, and if any proceedings were to be taken?

MR. ASSHETON CROSS said, he discussed this matter with the Lord Advocate at some length before it was brought to the notice of the House; and the answer given by the right hon. and learned Lord Advocate, which was so satisfactory to the House and the public generally, was the result of that conference. Of course, the Government had not the least desire to interfere with the right of free discussion, when properly and fairly exercised. With regard to the present state of affairs, the Lord Advocate had gone to Scotland during the Recess to make some inquiries. He expected him to have returned that evening; but, as he had not yet returned, he (Mr. Cross) could not, at present, answer the question.

MR. RYLANDS regretted that the right hon. and learned Lord Advocate was absent; because it was, of course, under such circumstances, rather unreasonable to press the Government for information. Still, he must call attention to the salaries of the procurators fiscal. He thought it had been arranged, in the year 1850, that these gentlemen were to be paid by salaries instead of fees, these salaries being fixed upon a calculation as to the average income derived from the fees of previous years, which, according to the Scotch language

used, was received for business "chargeable in Exchequer." It seemed, however, that the procurator fiscal did other work, not chargeable in Exchequer, but chargeable to county rates. That business was not included in the salaries. They continued to receive the fees chargeable on the county, and they were also allowed to receive other fees from private parties for prosecutions under special statutes. From these two sources it would be seen that the procurators fiscal derived sums of money which were set forth in the Estimates under the heading "remuneration *ex-officio*," in addition to salaries voted. The Return was peculiar. In Clackmannan, for instance, the procurator fiscal received a salary of £400 a-year, and from other fees received £50 a-year; whereas in Airdrie, where the salary was £570 a-year, the other fees only produced £9 3s. There were similar discrepancies to be observed throughout the Estimate, showing that in some counties there was very little of the business chargeable to the county rates, and that very few fees were derived from private prosecutions; whereas these fees in other counties considerably increased the remuneration of the procurator fiscal. He observed that the procurators fiscal of Edinburgh and Glasgow had declined to give any Return to the Government of the amount they received from these sources. He thought the Government ought to insist upon receiving a Return. The whole system of payment appeared to him to be open to serious objection; and it appeared to him that the Government would do well to get rid of the payment by fees, and to do away with the arrangement by which they were paid in this way under special statutes. With regard to these fees for prosecutions under special statutes, he should like to know, also, what they were?

SIR HENRY SELWIN-IBBETSON was exceedingly sorry that the right hon. and learned Lord Advocate was not present to give a better answer upon this point than he could give. While he could not say under what statutes these fees were allowed, he thought the Return showed that they were only received in cases where the public duties of the procurator fiscal permitted him to undertake the duties for which they were received. It was only when the work for which he was paid by salary

was not so important as to occupy his whole time that he was allowed to derive profits from other work. With regard to the Edinburgh official, he thought he had made a proper Return. He had explained that he had no remuneration from either of these private sources, and he imagined that was the explanation of the Glasgow case as well. The word "Nil" should have appeared in the printed Papers, instead of the words "No return." He would look into this question of the procurators fiscal, and, if the hon. Gentleman the Member for Burnley (Mr. Rylands) wished it, give him fuller explanations on Report.

MR. FRASER-MACKINTOSH explained, that the procurator fiscal was alone responsible for the prosecution of certain offences in Scotland, and he pursued for penalties and recovered certain fees in connection with these prosecutions. The hon. Member for Burnley's (Mr. Rylands's) observations raised an important question regarding procurators fiscal; and it would be remembered that, in the discussion two years ago on the Sheriffs Courts Bill, the majority of Scottish Members present expressed their opinion, and recorded it by a Division, that these gentlemen should confine themselves to their public duties. He (Mr. Fraser-Mackintosh) thought they should be appointed by the Crown, properly paid, and required to discharge their public duties and no others.

MR. RYLANDS said, the right hon. and learned Lord Advocate might not return in time to enable the hon. Gentleman to give the further information he had so courteously promised, and he (Mr. Rylands) would be glad to rest content with the promise that the subject should receive the attention of the Treasury. He understood that promise to be implied in what had been said. [Sir HENRY SELWIN-IBBETSON assented.] If the matter was considered at the Treasury, he believed certain good might be done. He did not like to see gentlemen in an official position having receipts which were not in the form of salary, and he thought the Returns should be complete, or some explanation given.

SIR ANDREW LUSK said, some system of this kind was being introduced into England, and he hoped they would be very careful how they took it in hand, for it would certainly be a great expense, especially if the whole thing was not

properly planned. They had many things cheaper in Scotland than in England; but before they took up a system of procurators fiscal they had better count the cost, and take care to see what they were about.

Vote agreed to.

(4.) £45,931, to complete the sum for Courts of Law and Justice, Scotland.

MR. W. HOLMS said, he would like to call the attention of the Committee to the way in which some of these salaries were made up. For instance, under the head of "Court of Sessions," it was shown that out of 58 clerks 17 either had incomes from annuities, or fees from private practice, or enjoyed a plurality of offices. He thought this was altogether a wrong system. It was well to know distinctly who were and who were not the servants of the Crown, and to have, instead of 58 persons who would give a divided attention to their duties, a smaller number who would bestow upon their work an undivided attention. One assistant clerk, who was paid under this Vote £475 a-year, had also £275 as a "Circuit Clerk in Justiciary." He could not satisfactorily attend to both these offices. Then, £700 was paid to the Auditor of the Court. It was evident that he received a considerable amount of fees, for it was explained in a note to the Estimates that of the amount he received for extra-judicial remits it was difficult to say "the amount he received *ex officio*." He (Mr. W. Holms) thought it absurd that the Auditor of the Court should have a considerable amount of fees from private work. It was a very unsatisfactory state of things, for if an Auditor was allowed to have private work, the Government had no control over his work.

SIR HENRY SELWIN-IBBETSON said, the question had been discussed at considerable length in previous Sessions. He could only repeat the argument then offered—that it was often of advantage to the Public Service to get the services of a man of large experience to undertake certain work, even though he had been employed in some other Office, or had some private work. In many cases, a man might be in receipt of fees from other sources; but it did not by any means follow that he neglected his public duties, or that he did not comply with the regulations of his Office as to the

Sir Henry Selwin-Ibbetson

number of hours he should give to the Public Service in return for the salary paid him. The real cause of this information being given was that the House, some years ago, was anxious to ascertain as far as possible what the actual emoluments were, from all sources, of all public servants. In working that out, every official was asked whether he was in receipt of any sort of official salary other than that which he received from his post? Of course, they were not able to give the amounts where men were of literary habits and made money in that way; but, wherever the facts could be obtained, they were printed in the notes. In some cases, as, for instance, that of the Auditor to the Court, a man was not wanted for the whole of his time, and they got much better men by allowing them, when their services were not required by the Government, to augment their income from other sources. If they were to draw a hard-and-fast line, they would very often either lose the services of very valuable public servants, or they would have to pay very much higher salaries than were at present charged on the Estimates.

MR. RYLANDS thought the hon. Gentleman the Secretary to the Treasury had rather missed the point of the remark. He presumed that they offered certain fair salaries for the public duties, and not such salaries as a man of suitable capacity would not be likely to take. They professed to offer a salary capable to secure the ability fitted for the office. Then they had a right to ask the individual for a return of all he received from the State, either as salary for duties, or as compensation for loss of office. Of course, they did not ask what were his private emoluments. He always understood, also, that a pension became merged in a salary, if the receiver of the pension returned to the Public Service. For instance, the Prime Minister at the present time was in receipt of a salary as Prime Minister, and that merged his pension as a Cabinet Minister. He could mention a great many instances in which the same principle was carried out; and, therefore, he did not understand how these clerks and assistant clerks could be in receipt of annuities varying from £80 to £160 a-year, which were, in fact, pensions received by them as late Judges' clerks, which, apparently, did not merge in their salaries. He did not quite understand why that was so,

and he certainly thought there ought to be some good reason for it. With regard to the auditor, the Secretary to the Treasury did not appear to him to have quite answered the objection. The note to the Vote was—

“The Auditor receives a considerable amount of fees for extra-judicial remits and other business, but he has difficulty in stating separately the amount he receives *ex-officio*.”

If that meant that, practically, he made such large profits that he was unable to give particulars, as he supposed it did, then, of course, they could not call upon him to make a return of then. But he might ask, also, the very plain question, whether they ought to appoint, at a salary of £700 a-year, a gentleman who received such a very large amount of fees from his private practice that he could not state the amount? Practically, he had no doubt that this gentleman was making a very large income, and it created a suspicion that the work he was doing outside was, probably, a good deal more remunerative than that for which they were paying him.

MR. RAMSAY pointed out that the question involved in this case was, whether the State should employ any gentleman who undertook professional duties in addition to his official work, and was, therefore, the same as that just raised in regard to the procurators fiscal. He rose to ask the Home Secretary whether he was able to give them any information as to the view he had taken regarding the office of Sheriff, and, also, whether he had come to any conclusion as regarded the constitution of the Court of Session? There was one vacancy in that Court at present; but he thought there was no reason why there should not be a greater number of vacancies, if they should occur. He had no desire to urge the Home Secretary to make any appointment to the vacant office. But while he thought the number of Judges in excess of that required for the discharge of public business, he was of opinion that a permanent alteration in the number of the Judges must be accompanied by some variation in the present constitution of the Court. The number of Judges who sat to hear appeals would have to be smaller. There were four, at present, and that was too many. It would be also interesting to know whether the Home Secretary had yet seen his way to reduce the number of

Sheriffs-Substitute in any district in Scotland where he might be of opinion that the duties were so light as not to require that the office should be filled up when vacant. Nothing, so far as he (Mr. Ramsay) had been informed, had yet been done in the way of reducing the number of the Sheriffs-Substitute, although the right hon. Gentleman promised to give his best consideration to this matter when the Sheriffs Court Bill was before them.

MR. ASSHETON CROSS: I really cannot give the Committee any information that we have arrived at any definite decision in regard to these matters. We have shown our inclination, as far as the Court of Session is concerned, by allowing the vacancy to remain open so long, and I think hon. Gentlemen will be able to conclude pretty much from this what our views are in this matter. My right hon. and learned Friend the Lord Advocate undertook, in the Recess, to make further inquiries, not only as to the Court of Session, but as to the Sheriffs-Substitute. I think that the hon. Gentleman is wrong in saying that no step has been taken. In one case, I think, a reduction has been made.

MR. FRASER-MACKINTOSH here rose to say that there had been no fewer than two reductions in the North, where there were great complaints in consequence. He referred to Nairn and Tain.

MR. ASSHETON CROSS: It appears that there are two cases, and I was just going to say that one case was in my mind, because we had many complaints as to the action we had taken. That, however, is not proof of an insuperable objection. Time will show what can best be done, and where it should be done. There are difficulties, in some places, owing to the long distances between populous places in some parts of Scotland. What I have said will show that the matter has not been lost sight of.

SIR HENRY SELWIN-IBBETSON said, in reply to the hon. Member for Burnley (Mr. Rylands), that he thought it would be a hard case if there was to be no superannuation at all for officers re-entering the Public Service. It was the rule that pensions granted to public servants should not exceed the total amount of the salaries before received; but, in the cases referred to by the hon. Member, it would be depriving them of what was practically given for life, to

refuse the grants made under particular statutes, and compensation for loss on the abolition of offices previously held. It really amounted to this—the hon. Member was anxious to get officers at a fixed salary, and it might be possible to get men without any other other occupation; but it very often happened that men could be got who had a far greater amount of knowledge, who would give the same amount of time to the Public Service, and who were in receipt of these compensations, or, being in private practice, derived emoluments from that source. By this means, the public obtained the services of men of greater experience than could be secured by the payment of salary only, as in some instances that cropped up last year. The public time was not trenched upon, and often a more efficient servant was obtained. With regard to the services of an Auditor, that was one of those cases in which they must have a man of a certain position and knowledge. The duty of auditing a particular Office was not one that should occupy the entire time of an individual. The higher class of public servant only could be employed, and the Public Service obtained from him all that could be expected, whoever he might be. It was almost to be regretted that so much information had been given with regard to salaries which were not in all cases paid out of the public funds.

MR. RAMSAY hoped the right hon. Gentleman the Home Secretary would not allow local clamour in every district to prevail, but would take into consideration each case on its merits, and judge it on the evidence that might arise. As to the office of Sheriff-Substitute, he was quite aware that the right hon. Gentleman yielded in one case to local clamour. He trusted that would not occur again, because, when Sheriffs-Substitute had been elected, they had been generally well fitted for the offices for which they were chosen. It was absurd to speak of long distances, as if these were inconvenient or of any disadvantage to the Sheriff. He (Mr. Ramsay) lived in a district where they had to travel 200 miles to any Court of Law, and he believed there was no district where there was less of crime and less of litigation than in that locality. He could, therefore, speak as to the possibility of some of these offices being dispensed with whenever an op-

Mr. Ramsay

portunity occurred, and trusted that public clamour would not be allowed to prevent the saving of public money on the occurrence of vacancies.

SIR ANDREW LUSK believed it to be a good thing that people should have to travel 200 miles to a Court of Law. The commercial classes in this country had formed the opinion that the Courts of Session in Scotland and the Irish Courts were over-manned, and that the expense connected with them was out of all proportion to the amount of work which they had to get through. Litigation in this country could not be always avoided, and it was the complaint of the commercial class, who were sometimes engaged in it through circumstances over which they had no control, that they were kept waiting too long for justice, and that there were so many men in the various Courts who had nothing to do but to create all kinds of obstruction. He was glad to hear the right hon. Gentleman the Home Secretary say that time would be taken to consider whether the vacancy in the Court of Session should be filled up or not, for even in London many people were beginning to think that the number of Judges was too great for the work that had to be done. A great deal of time was taken up by the Courts of Appeal where, perhaps, five or six Judges were occupied with some Church of England or parish scandal, to the detriment of the commercial classes, who could not get their cases tried.

MR. FRASER-MACKINTOSH, with respect to the statement that there were too many Judges in Scotland, said, he was not now going to give an opinion; but as the Vote included the Judges' salaries, he would be very sorry this discussion closed without any Scottish Member getting up, as he was happy to do, and recording his praise of the way business was managed in the Court of Session. Of late years, the business of the Court of Session had been conducted with very great ability indeed. The City of Glasgow Bank closed its doors early in October last, and the numerous important cases arising out of the stoppage had been promptly, but carefully, disposed of by the Court of Session, and had been determined by the House of Lords. The Lord Chancellor said, and said very rightly, that there was seldom so much ability displayed as in the Court of Session.

MR. ASSHETON CROSS desired to add his testimony to the ability of the Court of Session. It was a great honour to Scotland.

MR. O'DONNELL asked for an explanation of items under sub-head D for Sheriffs, as well as for the Procurator Fiscal, who was paid by a salary of £3,000. It seemed, as a rule, that there were very few salaries paid to officers; while a number of curious fees of all kinds were mentioned, of which, in some cases, there were no returns.

THE CHAIRMAN pointed out that the remarks of the hon. Member were out of place, the Vote to which he was referring having been already passed.

MR. BIGGAR was bound to say that the balance of argument was entirely in favour of Government officials not taking private business. He gave full weight to the argument of the Secretary to the Treasury, with regard to the necessity of getting good men for the Public Service; but he could not help feeling that those men who had private business to attend to would often perform their public duties in a most careless manner, their offices in that way becoming sometimes little else than sinecures. There were, for instance, in Ireland, such offices as Clerk of the Peace and Clerk of the Crown, where gentlemen received salaries and had, at the same time, private practice, the actual business of the Crown being done by a clerk at a small salary, while another gentleman received a large salary for doing nothing. It would, in his opinion, be much better that those public servants should give their whole time to the service of the Crown, and receive salaries in proportion to the work which they performed; on the other hand, if there was not sufficient occupation for the persons appointed, the offices should be abolished. With regard to the question of pensions—which he thought the hon. Baronet (Sir Henry Selwin-Ibbetson) had explained in an unsatisfactory manner—he was of opinion that gentlemen should not have an opportunity of retiring from an official position upon a pension, unless it was shown to the satisfaction of the authorities that they were incapacitated for performing the duties of their office; while the system of giving pensions to young men who might last out a generation was, to his mind, thoroughly preposterous.

for them. He, therefore, thought it much better to clear Broadmoor of persons who ought not to be there than to mix up criminals and lunatics, which, in his opinion, was a very wrong thing to do. As to what was to be done with them, that was a matter for argument. Of course, the counties were bound to find asylums for their lunatics; but it was a question whether it would be cheaper or more economical to keep these criminal lunatics more distinct. The simple point to be decided was, whether the counties should provide the place, or whether the Government should provide a prison, not, of course, at the cost of the Government but at the cost of the county? He was not aware that the matter was to have been brought on that evening, or he would have been prepared to give further answers. His hon. and gallant Friend (Sir Walter B. Barttelot) had also complained that, in one or two cases, the criminal lunatic had not been delivered to the proper authorities. He had no recollection of any complaints on the subject; but he would have the matter looked into. Certainly, there was no reason why the persons in question should not have been properly handed over, and he thought there must be some blame to be attributed to the person in charge. With regard to the cost of Broadmoor, he was bound to say that that subject had been a thorn in his side for some time. His hon. Friend (Sir Henry Selwin-Ibbetson) went with him when he visited the prison, and he was bound to say that he came away rather more disheartened than when he went. The real mischief of the whole thing was that the prison was built in the most extravagant style from the outset, and the arrangements of the building were such as to make a permanent waste of money almost necessary. It was very difficult to get over the original faulty construction, both in buildings and in the arrangement of rooms. The enormous size of the place, the distances at which people were kept, and the number of servants consequently necessary, made it almost impossible to bring the average of cost down to the figure of the county lunatic asylums. The character of the lunatics to be taken care of, and the numberless acts of violence committed by them, made constant watching necessary in their case. They were very much more violent indeed

than the criminals who became insane. Something had already been done to reduce the expense, for whereas the Estimate in 1875-6 was £35,500, this year it was only £27,000; so that something had already been done to reduce the cost. As his hon. Friend opposite (Mr. Rylands) had said, the prison was not directly under his control. The management was vested in a body of Prison Commissioners, and he had only power over the Estimates by ordering them to be reduced. He did insist that they must be reduced, or they should not receive his signature. Accordingly, a considerable reduction was made; but, notwithstanding that, his hon. Friend (Sir Henry Selwin-Ibbetson) now told him that there would be a return to the Treasury of about £2,000. He very much regretted the absence of the hon. Member for Berkshire (Mr. Walter), who was now Chairman of the Prisons Board, and, therefore, really had a great deal more to do with the management of the prison than he had as Home Secretary. But he could tell his hon. Friends and the Committee that if there was one thing more than another which his hon. Friend the Member for Berkshire had impressed upon his mind, it was the necessity of reduction in expenditure. He hoped, with this explanation, his hon. Friend opposite would allow the Vote to pass. They had discussed over and over again whether it would not be cheaper to pull down the building and build it again elsewhere. The property certainly could not be sold at a price which would enable the Government to build again. The matter was not finally decided, for there were great difficulties in the way; but he hoped the hon. Member would leave the matter in his hands to see what could be done.

Mr. HIBBERT thought, after the promise given last year that this subject should be fully inquired into, his hon. Friend (Mr. Rylands) was fully justified in bringing forward this question. He himself rose to speak on the question raised by the hon. and gallant Baronet opposite (Sir Walter B. Barttelot), and he must say he was scarcely satisfied with the reply of the Home Secretary. He thought there would be great difficulty in dealing with these criminal lunatics in the way suggested. This particular class was as

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nearly allied to criminals as could be, and for years they were treated as such by being sent abroad. His right hon. Friend, on the other hand, had distributed them in various county lunatic asylums. He wished his right hon. Friend could see his way to putting this class by themselves in one of the vacant prisons; for he knew by his experience of the county lunatic asylums of Lancashire that they were a very difficult class to deal with, owing to their very unsafe character. In Prestwich Asylum, they had been obliged to build a considerable number of separate rooms of a more expensive character than those required for ordinary lunatics, in order to accommodate this class, who were of a most dangerous character. Judging by what he had seen of them, he should be very glad indeed if his right hon. Friend could see his way to placing this particular class of lunatics in a separate asylum, where also they would enjoy the advantage of being better treated than they were in county lunatic asylums. He could not agree that Broadmoor could be carried on as cheaply as a county lunatic asylum; but still he thought a very strong case had been made out for some reduction in the Vote.

MR. WHITWELL entirely agreed with the view of the hon. and gallant Member opposite (Sir Walter B. Barttelot), that lunatics of the class alluded to by him should be excluded from ordinary county asylums. Of that there could be no question. His hon. Friend (Mr. Rylands) had presented them with a very careful and clear comparison; but he feared that he had pressed the matter too far. From his experience of county asylums, he was persuaded that patients in Broadmoor did require much more attendance and care than ordinary lunatics. Though, of course, some of the expenses might be very much reduced, still, from the nature of the building itself, it was impossible to make them as small as they were in county asylums, while to sweep away the prison altogether would only be going further and faring worse.

SIR WALTER B. BARTELOT pointed out that his right hon. Friend, in his desire not to mix up the innocent with the guilty in the Government prison, had done the very thing which he wished to avoid, by mixing up the innocent and the guilty in the county asylums. As his right hon. Friend had

taken over all the prisons in the country, he considered that he, or his Department, was bound to provide some accommodation for those persons who had become insane after some sentence of imprisonment had been passed upon them. His right hon. Friend had said that the counties ought to provide for their own criminal lunatics. But they had nothing to do with those undergoing sentences. But there were persons who had undergone sentence, and whose sentences were expired, who also, as he had explained, ought not to be in county asylums. Then came the question, what was to be done with them? He did hope his right hon. Friend would make some provision for these unfortunate people.

MR. ASSHETON CROSS explained, that he only said that the counties must provide for these lunatics. He quite agreed that while they were under sentence the Government must undertake the care of them. But when that sentence had expired, these persons became ordinary lunatics, and the care of them devolved on the counties.

MR. FLOYER felt himself much indebted to the hon. Member for Burnley (Mr. Rylands) for bringing forward this question, for everyone who had had anything to do with the management of county asylums knew that one of the greatest difficulties they had to contend with was the care and guarding of these criminal lunatics. They could not stop escapes without a very much larger staff of attendants than was otherwise necessary, or unless they practised a system of confinement which, happily, was now a thing of the past. Escapes, therefore, did happen. Yet, when they had to deal with these criminal lunatics, it was very important that they should not escape, as such an accident might be attended with very serious consequences. Men suffering from homicidal or murderous propensities might escape, and it was very difficult in ordinary county asylums to take such effectual precautions as would absolutely prevent escapes. He did, therefore, very much press upon the Home Secretary and gallant great importance and necessity that such provision as his hon. Member for Friend (Sir Walter B. Barttelot) had suggested. Usually the almost impossible, without very small; and it was

was not so important as to occupy his whole time that he was allowed to derive profits from other work. With regard to the Edinburgh official, he thought he had made a proper Return. He had explained that he had no remuneration from either of these private sources, and he imagined that was the explanation of the Glasgow case as well. The word "Nil" should have appeared in the printed Papers, instead of the words "No return." He would look into this question of the procurators fiscal, and, if the hon. Gentleman the Member for Burnley (Mr. Rylands) wished it, give him fuller explanations on Report.

MR. FRASER-MACKINTOSH explained, that the procurator fiscal was alone responsible for the prosecution of certain offences in Scotland, and he pursued for penalties and recovered certain fees in connection with these prosecutions. The hon. Member for Burnley's (Mr. Rylands's) observations raised an important question regarding procurators fiscal; and it would be remembered that, in the discussion two years ago on the Sheriffs Courts Bill, the majority of Scottish Members present expressed their opinion, and recorded it by a Division, that these gentlemen should confine themselves to their public duties. He (Mr. Fraser-Mackintosh) thought they should be appointed by the Crown, properly paid, and required to discharge their public duties and no others.

MR. RYLANDS said, the right hon. and learned Lord Advocate might not return in time to enable the hon. Gentleman to give the further information he had so courteously promised, and he (Mr. Rylands) would be glad to rest content with the promise that the subject should receive the attention of the Treasury. He understood that promise to be implied in what had been said. [Sir HENRY SELWIN-IBBETSON assented.] If the matter was considered at the Treasury, he believed certain good might be done. He did not like to see gentlemen in an official position having receipts which were not in the form of salary, and he thought the Returns should be complete, or some explanation given.

SIR ANDREW LUSK said, some system of this kind was being introduced into England, and he hoped they would be very careful how they took it in hand, for it would certainly be a great expense, especially if the whole thing was not

properly planned. They had many things cheaper in Scotland than in England; but before they took up a system of procurators fiscal they had better count the cost, and take care to see what they were about.

Vote agreed to.

(4.) £45,931, to complete the sum for Courts of Law and Justice, Scotland.

MR. W. HOLMS said, he would like to call the attention of the Committee to the way in which some of these salaries were made up. For instance, under the head of "Court of Sessions," it was shown that out of 58 clerks 17 either had incomes from annuities, or fees from private practice, or enjoyed a plurality of offices. He thought this was altogether a wrong system. It was well to know distinctly who were and who were not the servants of the Crown, and to have, instead of 58 persons who would give a divided attention to their duties, a smaller number who would bestow upon their work an undivided attention. One assistant clerk, who was paid under this Vote £475 a-year, had also £275 as a "Circuit Clerk in Justiciary." He could not satisfactorily attend to both these offices. Then, £700 was paid to the Auditor of the Court. It was evident that he received a considerable amount of fees, for it was explained in a note to the Estimates that of the amount he received for extra-judicial remits it was difficult to say "the amount he received *ex officio*." He (Mr. W. Holms) thought it absurd that the Auditor of the Court should have a considerable amount of fees from private work. It was a very unsatisfactory state of things, for if an Auditor was allowed to have private work, the Government had no control over his work.

SIR HENRY SELWIN-IBBETSON said, the question had been discussed at considerable length in previous Sessions. He could only repeat the argument then offered—that it was often of advantage to the Public Service to get the services of a man of large experience to undertake certain work, even though he had been employed in some other Office, or had some private work. In many cases, a man might be in receipt of fees from other sources; but it did not by any means follow that he neglected his public duties, or that he did not comply with the regulations of his Office as to the

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that there had been a public meeting in Dundee, a few days ago, to discuss the question, from which he gathered that the Lord Advocate was making some inquiries. Had anything been decided upon? Of course, if the thing was still pending, he would not harass the Lord Advocate by pressing the question. In calling attention to the disturbances, he (Mr. O'Donnell) was actuated in no way by any desire to restrain the fullest freedom of discussion on all questions, religious and political; but what the Catholics and a great many of the Protestants of Dundee complained of was, that the mask of religious discussion was merely assumed by a low adventurer and impostor to commit a gross outrage upon the religious convictions of a section of the population. He understood from the right hon. and learned Lord Advocate that the Scotch law was broad enough and strong enough to deal with a case of this kind, and he merely wished to know if the inquiries were ended, and if any proceedings were to be taken?

MR. ASSHETON CROSS said, he discussed this matter with the Lord Advocate at some length before it was brought to the notice of the House; and the answer given by the right hon. and learned Lord Advocate, which was so satisfactory to the House and the public generally, was the result of that conference. Of course, the Government had not the least desire to interfere with the right of free discussion, when properly and fairly exercised. With regard to the present state of affairs, the Lord Advocate had gone to Scotland during the Recess to make some inquiries. He expected him to have returned that evening; but, as he had not yet returned, he (Mr. Cross) could not, at present, answer the question.

MR. RYLANDS regretted that the right hon. and learned Lord Advocate was absent; because it was, of course, under such circumstances, rather unreasonable to press the Government for information. Still, he must call attention to the salaries of the procurators fiscal. He thought it had been arranged, in the year 1850, that these gentlemen were to be paid by salaries instead of fees, these salaries being fixed upon a calculation as to the average income derived from the fees of previous years, which, according to the Scotch language

used, was received for business "chargeable in Exchequer." It seemed, however, that the procurator fiscal did other work, not chargeable in Exchequer, but chargeable to county rates. That business was not included in the salaries. They continued to receive the fees chargeable on the county, and they were also allowed to receive other fees from private parties for prosecutions under special statutes. From these two sources it would be seen that the procurators fiscal derived sums of money which were set forth in the Estimates under the heading "remuneration *ex-officio*," in addition to salaries voted. The Return was peculiar. In Clackmannan, for instance, the procurator fiscal received a salary of £400 a-year, and from other fees received £50 a-year; whereas in Airdrie, where the salary was £570 a-year, the other fees only produced £9 3s. There were similar discrepancies to be observed throughout the Estimate, showing that in some counties there was very little of the business chargeable to the county rates, and that very few fees were derived from private prosecutions; whereas these fees in other counties considerably increased the remuneration of the procurator fiscal. He observed that the procurators fiscal of Edinburgh and Glasgow had declined to give any Return to the Government of the amount they received from these sources. He thought the Government ought to insist upon receiving a Return. The whole system of payment appeared to him to be open to serious objection; and it appeared to him that the Government would do well to get rid of the payment by fees, and to do away with the arrangement by which they were paid in this way under special statutes. With regard to these fees for prosecutions under special statutes, he should like to know, also, what they were?

SIR HENRY SELWIN-IBBETSON was exceedingly sorry that the right hon. and learned Lord Advocate was not present to give a better answer upon this point than he could give. While he could not say under what statutes these fees were allowed, he thought the Return showed that they were only received in cases where the public duties of the procurator fiscal permitted him to undertake the duties for which they were received. It was only when the work for which he was paid by salary

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number of hours he should give to the Public Service in return for the salary paid him. The real cause of this information being given was that the House, some years ago, was anxious to ascertain as far as possible what the actual emoluments were, from all sources, of all public servants. In working that out, every official was asked whether he was in receipt of any sort of official salary other than that which he received from his post? Of course, they were not able to give the amounts where men were of literary habits and made money in that way; but, wherever the facts could be obtained, they were printed in the notes. In some cases, as, for instance, that of the Auditor to the Court, a man was not wanted for the whole of his time, and they got much better men by allowing them, when their services were not required by the Government, to augment their income from other sources. If they were to draw a hard-and-fast line, they would very often either lose the services of very valuable public servants, or they would have to pay very much higher salaries than were at present charged on the Estimates.

MR. RYLANDS thought the hon. Gentleman the Secretary to the Treasury had rather missed the point of the remark. He presumed that they offered certain fair salaries for the public duties, and not such salaries as a man of suitable capacity would not be likely to take. They professed to offer a salary capable to secure the ability fitted for the office. Then they had a right to ask the individual for a return of all he received from the State, either as salary for duties, or as compensation for loss of office. Of course, they did not ask what were his private emoluments. He always understood, also, that a pension became merged in a salary, if the receiver of the pension returned to the Public Service. For instance, the Prime Minister at the present time was in receipt of a salary as Prime Minister, and that merged his pension as a Cabinet Minister. He could mention a great many instances in which the same principle was carried out; and, therefore, he did not understand how these clerks and assistant clerks could be in receipt of annuities varying from £80 to £160 a-year, which were, in fact, pensions received by them as late Judges' clerks, which, apparently, did not merge in their salaries. He did not quite understand why that was so,

and he certainly thought there ought to be some good reason for it. With regard to the auditor, the Secretary to the Treasury did not appear to him to have quite answered the objection. The note to the Vote was—

“The Auditor receives a considerable amount of fees for extra-judicial remits and other business, but he has difficulty in stating separately the amount he receives *ex-officio*.”

If that meant that, practically, he made such large profits that he was unable to give particulars, as he supposed it did, then, of course, they could not call upon him to make a return of then. But he might ask, also, the very plain question, whether they ought to appoint, at a salary of £700 a-year, a gentleman who received such a very large amount of fees from his private practice that he could not state the amount? Practically, he had no doubt that this gentleman was making a very large income, and it created a suspicion that the work he was doing outside was, probably, a good deal more remunerative than that for which they were paying him.

MR. RAMSAY pointed out that the question involved in this case was, whether the State should employ any gentleman who undertook professional duties in addition to his official work, and was, therefore, the same as that just raised in regard to the procurators fiscal. He rose to ask the Home Secretary whether he was able to give them any information as to the view he had taken regarding the office of Sheriff, and, also, whether he had come to any conclusion as regarded the constitution of the Court of Session? There was one vacancy in that Court at present; but he thought there was no reason why there should not be a greater number of vacancies, if they should occur. He had no desire to urge the Home Secretary to make any appointment to the vacant office. But while he thought the number of Judges in excess of that required for the discharge of public business, he was of opinion that a permanent alteration in the number of the Judges must be accompanied by some variation in the present constitution of the Court. The number of Judges who sat to hear appeals would have to be smaller. There were four, at present, and that was too many. It would be also interesting to know whether the Home Secretary had yet seen his way to reduce the number of

Sheriffs-Substitute in any district in Scotland where he might be of opinion that the duties were so light as not to require that the office should be filled up when vacant. Nothing, so far as he (Mr. Ramsay) had been informed, had yet been done in the way of reducing the number of the Sheriffs-Substitute, although the right hon. Gentleman promised to give his best consideration to this matter when the Sheriffs Court Bill was before them.

MR. ASSHETON CROSS: I really cannot give the Committee any information that we have arrived at any definite decision in regard to these matters. We have shown our inclination, as far as the Court of Session is concerned, by allowing the vacancy to remain open so long, and I think hon. Gentlemen will be able to conclude pretty much from this what our views are in this matter. My right hon. and learned Friend the Lord Advocate undertook, in the Recess, to make further inquiries, not only as to the Court of Session, but as to the Sheriffs-Substitute. I think that the hon. Gentleman is wrong in saying that no step has been taken. In one case, I think, a reduction has been made.

MR. FRASER-MACKINTOSH here rose to say that there had been no fewer than two reductions in the North, where there were great complaints in consequence. He referred to Nairn and Tain.

MR. ASSHETON CROSS: It appears that there are two cases, and I was just going to say that one case was in my mind, because we had many complaints as to the action we had taken. That, however, is not proof of an insuperable objection. Time will show what can best be done, and where it should be done. There are difficulties, in some places, owing to the long distances between populous places in some parts of Scotland. What I have said will show that the matter has not been lost sight of.

SIR HENRY SELWIN-IBBETSON said, in reply to the hon. Member for Burnley (Mr. Rylands), that he thought it would be a hard case if there was to be no superannuation at all for officers re-entering the Public Service. It was the rule that pensions granted to public servants should not exceed the total amount of the salaries before received; but, in the cases referred to by the hon. Member, it would be depriving them of what was practically given for life, to

refuse the grants made under particular statutes, and compensation for loss on the abolition of offices previously held. It really amounted to this—the hon. Member was anxious to get officers at a fixed salary, and it might be possible to get men without any other other occupation; but it very often happened that men could be got who had a far greater amount of knowledge, who would give the same amount of time to the Public Service, and who were in receipt of these compensations, or, being in private practice, derived emoluments from that source. By this means, the public obtained the services of men of greater experience than could be secured by the payment of salary only, as in some instances that cropped up last year. The public time was not treasured upon, and often a more efficient servant was obtained. With regard to the services of an Auditor, that was one of those cases in which they must have a man of a certain position and knowledge. The duty of auditing a particular Office was not one that should occupy the entire time of an individual. The higher class of public servant only could be employed, and the Public Service obtained from him all that could be expected, whoever he might be. It was almost to be regretted that so much information had been given with regard to salaries which were not in all cases paid out of the public funds.

MR. RAMSAY hoped the right hon. Gentleman the Home Secretary would not allow local clamour in every district to prevail, but would take into consideration each case on its merits, and judge it on the evidence that might arise. As to the office of Sheriff-Substitute, he was quite aware that the right hon. Gentleman yielded in one case to local clamour. He trusted that would not occur again, because, when Sheriffs-Substitute had been elected, they had been generally well fitted for the offices for which they were chosen. It was absurd to speak of long distances, as if these were inconvenient or of any disadvantage to the Sheriff. He (Mr. Ramsay) lived in a district where they had to travel 200 miles to any Court of Law, and he believed there was no district where there was less of crime and less of litigation than in that locality. He could, therefore, speak as to the possibility of some of these offices being dispensed with whenever an op-

Mr. Ramsay

portunity occurred, and trusted that public clamour would not be allowed to prevent the saving of public money on the occurrence of vacancies.

SIR ANDREW LUSK believed it to be a good thing that people should have to travel 200 miles to a Court of Law. The commercial classes in this country had formed the opinion that the Courts of Session in Scotland and the Irish Courts were over-manned, and that the expense connected with them was out of all proportion to the amount of work which they had to get through. Litigation in this country could not be always avoided, and it was the complaint of the commercial class, who were sometimes engaged in it through circumstances over which they had no control, that they were kept waiting too long for justice, and that there were so many men in the various Courts who had nothing to do but to create all kinds of obstruction. He was glad to hear the right hon. Gentleman the Home Secretary say that time would be taken to consider whether the vacancy in the Court of Session should be filled up or not, for even in London many people were beginning to think that the number of Judges was too great for the work that had to be done. A great deal of time was taken up by the Courts of Appeal where, perhaps, five or six Judges were occupied with some Church of England or parish scandal, to the detriment of the commercial classes, who could not get their cases tried.

MR. FRASER-MACKINTOSH, with respect to the statement that there were too many Judges in Scotland, said, he was not now going to give an opinion; but as the Vote included the Judges' salaries, he would be very sorry this discussion closed without any Scottish Member getting up, as he was happy to do, and recording his praise of the way business was managed in the Court of Session. Of late years, the business of the Court of Session had been conducted with very great ability indeed. The City of Glasgow Bank closed its doors early in October last, and the numerous important cases arising out of the stoppage had been promptly, but carefully, disposed of by the Court of Session, and had been determined by the House of Lords. The Lord Chancellor said, and said very rightly, that there was seldom so much ability displayed as in the Court of Session.

MR. ASSHETON CROSS desired to add his testimony to the ability of the Court of Session. It was a great honour to Scotland.

MR. O'DONNELL asked for an explanation of items under sub-head D for Sheriffs, as well as for the Procurator Fiscal, who was paid by a salary of £3,000. It seemed, as a rule, that there were very few salaries paid to officers; while a number of curious fees of all kinds were mentioned, of which, in some cases, there were no returns.

THE CHAIRMAN pointed out that the remarks of the hon. Member were out of place, the Vote to which he was referring having been already passed.

MR. BIGGAR was bound to say that the balance of argument was entirely in favour of Government officials not taking private business. He gave full weight to the argument of the Secretary to the Treasury, with regard to the necessity of getting good men for the Public Service; but he could not help feeling that those men who had private business to attend to would often perform their public duties in a most careless manner, their offices in that way becoming sometimes little else than sinecures. There were, for instance, in Ireland, such offices as Clerk of the Peace and Clerk of the Crown, where gentlemen received salaries and had, at the same time, private practice, the actual business of the Crown being done by a clerk at a small salary, while another gentleman received a large salary for doing nothing. It would, in his opinion, be much better that those public servants should give their whole time to the service of the Crown, and receive salaries in proportion to the work which they performed; on the other hand, if there was not sufficient occupation for the persons appointed, the offices should be abolished. With regard to the question of pensions—which he thought the hon. Baronet (Sir Henry Selwin-Ibbetson) had explained in an unsatisfactory manner—he was of opinion that gentlemen should not have an opportunity of retiring from an official position upon a pension, unless it was shown to the satisfaction of the authorities that they were incapacitated for performing the duties of their office; while the system of giving pensions to young men who might last out a generation was, to his mind, thoroughly preposterous.

MR. W. HOLMS asked for information with regard to the sum of £1,500 paid to Crown Agents for the investigation of peerages. He would be glad to know whether these were officers of the Crown, or professional men in private practice, and whether the details of charge on page 237 referred to the investigation of dormant peerages? If the latter was the case, why was not the expense paid by the claimants?

SIR HENRY SELWIN-IBBETSON explained, that the charges in question were paid under an old statute of Anne for inquiries in the matter of peerages, and, as he believed, they were made payable by the Crown in order to protect the public. The inquiries were of a public character, for the purpose of ascertaining the validity of claims; but he regretted his inability to say why the expenses were not payable by the claimants.

SIR EDWARD COLEBROOKE corroborated the statement of the hon. Baronet, a relative of his having discharged the duties in question. It was considered necessary that somebody should be employed by the Government to see justice done, and that it should not be left to private persons alone to advance claims to peerages.

MR. W. HOLMS inquired by whom these officers were appointed?

SIR HENRY SELWIN-IBBETSON replied, that they were appointed by the Crown.

Vote agreed to.

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £27,268, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Offices in Her Majesty's General Register House, Edinburgh."

SIR EDWARD COLEBROOKE wished to ask the hon. Baronet the Secretary to the Treasury, whether the Government had come to any decision with regard to the very large surplus which arose on the fees of this Department? The present was not a Vote of public money for the maintenance of the Register House, but was a payment out of a very large sum received for different fees for the work done in the Department, the surplus of which the Government were under statutory obli-

gation to apply, either in increasing the efficiency of the Department, or in the reduction of future fees. The hon. Baronet might be aware that some years ago a considerable reduction actually took place, in pursuance of the statute, and that very efficient relief was given to those who previously paid. The surplus would next year amount to £10,000, the present Vote being for £36,000, while the anticipated receipts were £46,000. He thought it was high time that something was done by the Government in the direction of a considerable reduction of fees.

SIR HENRY SELWIN-IBBETSON assured the hon. Baronet (Sir Edward Colebrooke) that the subject had already occupied the attention of the Government, and in particular of his right hon. Friend the Secretary of State for the Home Department, during the visit which he had paid to Edinburgh not very long ago; his inquiries having resulted in the opinion that a considerable revision of the Office was necessary. Although the surplus was not quite so large as that mentioned by the hon. Baronet, still, he quite admitted that the Estimates showed a probable saving of something like £9,000; but the hon. Baronet was aware that if necessary changes had to take place in the Office, such changes were very generally attended with increased salaries, and it would be hardly prudent, until those changes were settled, to promise any distinct reduction in the fees. He again assured the hon. Baronet and the Committee that the question had not been lost sight of, and that he hoped soon to be able to make a considerable reduction in the direction indicated.

MR. RAMSAY said, as there was at present a Bill before the House for the purpose of regulating the Office of Lord Clerk Register, he thought it desirable that the hon. Baronet (Sir Henry Selwin-Ibbetson) should agree to postpone the consideration of the Vote until the House had had an opportunity of discussing the provisions of that Bill. It appeared to him to be rather a singular step that the Committee should be asked to vote this large sum of money for the purpose of perpetuating the Office on its present footing; while, at the same time, there was a Bill in hand, the object of which was to reduce the duties of the Office. It would be admitted that as

far as the objections taken by the Scotch Members were concerned, they were worthy of consideration, and that no time would be lost by their endeavour to secure some amendment of this Department. The Home Secretary introduced a Bill last year for the purpose of appointing an Assistant Secretary of State for Scotland. A Secretary of State for Scotland, with a seat in the Cabinet, would be what all Scotchmen would desire. Such a Minister would aid in securing attention to Scottish business. He thought they had a right to complain of the fees charged in the Register Office. Considering the large sums of money which came in from the owners of real estate in Scotland, it was not a sufficient reason for continuing to charge the same rate of fees as hitherto, simply to say that the surplus was not so great as had been stated by the hon. Baronet the Member for North Lanarkshire (Sir Edward Colebrooke). He believed the surplus actually amounted to £9,800, and that sum had been gathered from the owners of real property in Scotland; besides which, Scotch Members had been asked for, and did vote, a large amount for the registration of real estate in England. It was, therefore, difficult to understand why the Secretary to the Treasury should at all doubt the propriety of considering the whole question of the system of Scotch registration, leaving hon. Members free to consider what should be done when the Bill now before the House reached the stage of a second reading. There were many persons who took a great interest in the settlement of this question; and his hon. Friend the Member for Edinburgh (Mr. M'Laren), who was then absent on public business, had given Notice of a Motion either for the postponement or reduction of the Vote. In his (Mr. Ramsay's) opinion, an opportunity should be given to hon. Members for the purpose of having the whole Office considered; and he trusted the hon. Baronet would accept his suggestion of postponing the Vote altogether until the Bill before the House had been carried through. He would not, however, make a Motion to that effect, because he was unwilling to waste the time of the House by taking a Division.

SIR HENRY SELWYN-IBBETSON could not agree to the suggestion of the

hon. Member for the Falkirk Burghs (Mr. Ramsay) for the postponement of the Vote. He did not think that, in the present state of Public Business, they would advance their position very much by a postponement until the House had decided upon the Bill which had been submitted. If that Bill became law, he need not say that any changes introduced thereby would be operative as against the Estimate then under discussion, and that if any reduction took place the effect would be that the money saved would pass into the Exchequer. Again, looking at the position of Public Business, if the Vote were postponed, they could hardly hope to raise a discussion at the end of the Session. When the changes which it might be found necessary to introduce were settled, and when it was ascertained what further expense would result from those changes, he should be very glad to reconsider the table of fees charged in connection with this Office, with a view to their reduction; but he could hardly promise that reduction until those questions had been adjusted. It very often happened that the surplus was used up by expenses of the establishment, for which demands were from time to time made upon the Treasury. The future position of the question would in no way be prejudiced by the passing of the Vote, to the postponement of which he hoped the Committee would not agree.

MR. FRASER-MACKINTOSH said, he was very much disappointed that the hon. Gentleman had not agreed to the suggestion which had been made to the Committee by the hon. Member for the Falkirk Burghs (Mr. Ramsay), as last year this Vote would have been challenged had not the Home Secretary promised to go down and inquire, and it was distinctly understood that something was to be done. The hon. Baronet must be quite aware that there existed a great deal of dissatisfaction in Scotland on the subject of the Register House, in regard to the fees exacted in that Office. One of the reasons for which he (Mr. Fraser-Mackintosh) thought the Vote should be postponed was that hon. Members were entitled, when discussing Scottish Votes, to the presence of the Lord Advocate and also the Home Secretary, so that they might tell the House what they intended to do; for it appeared quite clear that if

they allowed the Vote to pass on the present occasion, it would go off in the same manner as last year, and nothing would be done. The agitation in regard to the fees in the Register House was one that had been going on for a great many years, and the surplus that had accrued on one occasion had been as much as £16,000 in a-year, while it had seldom been less than £8,000. The amount of fees drawn was growing every year, and it was nonsense to say that the time had not arrived when a great reduction should be made, for that time was long since past. Among the Votes for that Office he saw a sum of £1,200 a-year for the Lord Clerk Register; but it had been intimated that the present holder of the Office was to have no salary. Again, the Keeper of the Registry of Sasines received £1,000 a-year. They heard a great deal from the hon. Baronet about having good men of social position and ability to fill Government offices; but he understood that this gentleman never attended to his duties at all, and his appointment was so glaring that it had been struck at, as a thing never again to take place, by a special Act of Parliament. If nothing came of it, he should move that the Vote be reduced by the sum of £1,000. The point he had mentioned was one on which many of them were unanimous, and he suggested that the hon. Baronet should postpone the Vote, the more particularly as the hon. Member for Edinburgh had not been able to be present during the discussion; and if that course was pursued, he believed the hon. Baronet would find he was not delaying, but rather advancing matters.

Motion made, and Question proposed,

"That a sum, not exceeding £26,268, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and Expenses of the Offices in Her Majesty's General Register House, Edinburgh."—(*Mr. Fraser-Mackintosh.*)

Dr. CAMERON said, the whole question before the Committee lay in a nutshell. There was derived from the fees charged in Scotland, for the registry of transfers, a sum of money which more than paid all the expenses of the Office, and left a surplus of something like £10,000, and that surplus went into the Imperial Treasury, which it was contended by the

Scotch Members was not right. The subject had been brought forward on several former occasions; and he remembered having assisted on one of those occasions three years or four years ago, at which time he had sent to the right hon. Gentleman the present First Lord of the Admiralty (Mr. W. H. Smith), who then occupied the position now held by the hon. Baronet (Sir Henry Selwin-Ibbetson), a number of reports which had been drawn up by the various legal bodies, and which comprised plans for the removal of the causes of complaint with regard to the Office, and suggestions for increasing the efficiency of the system. The right hon. Gentleman the Secretary to the Treasury of the day took the papers, and almost undertook to read them; but, of course, nothing came of it for he was promoted to another Office, and "a King arose who knew not Joseph." So the matter went on year after year; but it was not a question which was in any way affected by the Lord Clerk Register (Scotland) Bill, which was a Bill for consolidation, and affected the salary of another Department solely, doing away with an Office which was, more or less, of the nature of a sinecure, and re-arranging various Offices with a view to greater economy and efficiency. The Bill did not concern the Office about which the Committee were discussing, and the excuse put forward did not amount to any just reason why the question should not be at once decided. There were two ways of dealing with the question. One, the simplest, was to reduce the fees by the amount of the surplus which accrued every year; and the other, and it appeared to him the preferable way, was to institute improvements in the Office, not by way of increasing the salaries, but by way of more efficient registration, and by the adoption of a system which had been tried with great satisfaction in Glasgow and elsewhere—the system of "search-sheets." When that had been suggested before, the answer always was that it would require money; but why should they not take the surplus £10,000 to make the experiment with? The two systems could be run simultaneously, so that if one did not answer it could be discontinued. He understood perfectly well that the Secretary to the Treasury, in the absence of the Lord Advocate, could hardly be expected to pronounce

Mr. Fraser-Mackintosh

any opinion on the matter; and all that they asked was that, under the circumstances of the case, the hon. Baronet should agree to the very reasonable course of postponing the Vote. If the matter would be arranged, he would not wish to say another word; and, therefore, he asked that the Vote should not be pushed forward, but that it should be postponed until, the Lord Advocate being present, they would have an opportunity of consulting him. He did not think the Scotch Members would be found obstructive; but really the proposal for the postponement of the Vote was so reasonable that he should feel justified in supporting any Motion for adjournment that might be made upon it.

SIR HENRY SELWIN-IBBETSON was sorry to appear unreasonable in pressing the Vote upon the Committee; but he ventured to submit that the question could not be met even by the knowledge or presence of the Lord Advocate, inasmuch as it entirely rested in the hands of the Treasury to deal with it in accordance with the Act of Parliament. And it was because the Treasury had to act in the matter that he had stated he was prepared to admit the justice of the claim made, when the time should arrive for its revision. But he had also stated, not that the Bill mentioned had nothing to do with the question, but that the Government could not proceed to deal with the fees at once, because they had been making that very inquiry which hon. Members seemed to think the Treasury had ignored from year to year. That inquiry had been made with the view of altering and amending this particular Office, and of meeting the complaints which had been made on more than one occasion, and with the view of carrying out also, as the hon. Member for Glasgow (Dr. Cameron) had suggested, a better mode of indexing and keeping the records, not as superseding the present system, but as running parallel with it, and in order to make the work better and more useful. The plan had not only been considered by the Treasury, but had been very far advanced towards carrying out; but what he had before stated he was still obliged to maintain, that he could not definitely say he could alter the present system of fees until the result of the proposed changes was known, at which time he should be quite prepared to consider

what should be done in the matter of restricting the fees. He ventured to think that a pledge of that kind on behalf of the Treasury should give some satisfaction to those who were concerned in the matter, and show them that the object was not to get it postponed for another year. With regard to the Register, he could state that indexing arrangements, which, he trusted, would be satisfactory, had been agreed to and were about to be carried out; and, therefore, it was to be hoped that the Committee would see there were no grounds for any further postponement. Had the Lord Advocate been present, he believed nothing more could have been said on the subject of this particular Vote.

SIR EDWARD COLEBROOKE thanked the hon. Gentleman for his statement; but he was obliged to qualify the expression of the satisfaction which he felt at hearing that the subject was engaging the earnest attention of the Government by saying that he had not the highest confidence that things would move as rapidly as he could wish, because, judging by the past, he did not think the Treasury had shown any great zeal in carrying out urgently-needed reforms. At the same time, he was quite content, as the matter had been really taken in hand, to leave it in its present position. He thought, however, that the Committee had been unfairly placed, by the absence of the Lord Advocate, with regard to inquiries which it might have been desirable to make as to the establishment and working of the system which would necessarily have some influence upon the nature of the reforms which were to be carried out; and he was of opinion that if they did not go so far as to postpone the Vote, at any rate the Report might be brought on after the Lord Advocate had returned to town. With regard to the searching department, he was certain this could be improved in the matter of the indices, one of the great features of the reform carried out about 10 years ago being that those indices were sent out for completion to the different counties without burdening Edinburgh with the whole of the expense. He should be glad if the right hon. Gentleman could say anything upon this point, which was exciting a considerable amount of interest in his neighbourhood.

MR. ASSHETON CROSS hoped that the debate and the speech which had followed on the part of his hon. Friend the Secretary to the Treasury would be accepted not in the light of an ordinary pledge, but as a proof that action was really going forward. As a result of what took place in the debate last Session, he went down to Edinburgh and proceeded through the Registry Offices with the Lord Advocate; and he (Mr. Cross) felt bound to express his thanks to every officer connected with the Department for the ready information which they had afforded him upon every subject of inquiry. He had gone thoroughly and completely into every department; and with regard to the question of the indices, he was sorry to find, in certain instances, they were in arrear. Upon that subject, no doubt, there had been considerable difficulty, as well as some feeling, which had materially interfered with the preparation of the records. He did not think anything could be better, in their way, than the search-sheets, which were most valuable, and saved a great deal of time in searching for titles. Under that system one book was posted up into another day by day, after the manner of bankers' or merchants' accounts, and, finally, into the ledger, in which the whole of any transaction could be seen at a glance. This compilation was extremely useful, though it was necessary to be very careful that nothing was missed from the search-sheets, as, in that case, the error would possibly not be discovered for years afterwards. In his opinion, it was absolutely for the interest of the country that the search-sheets, on which Mr. Brodie, the then holder of the office, had spent so much time and labour, should be continued; but it was also his opinion that the statutory indices should be kept up as well. Those indices ought to be made as perfect as possible, for no great mass of literature was of any use without the key to it. Some of the Scotch officials preferred one plan, and some the other; but his view was that both plans should be carried on concurrently. As it had been found that considerable confusion existed on account of the unsatisfactory condition of the indices, the Treasury had consented to every proposition which he had made; and he hoped that in a few months, in consequence of the

action which had been taken, the indices would be completely and properly posted up to the present time, which he was sure would effect a great improvement in the system of registration. With regard, however, to the question of cost, he was not quite certain. Neither could he give any opinion at that moment whether it was better to reduce the fees, or improve the efficiency first. But if he were personally applied to, he should say—"First make your Registry House as efficient as possible, and then look for a reduction of fees." The next thing would be to establish a reserve, because every now and then there were extraordinary expenses to be provided for; but, beyond making ample provision and keeping in hand such reserve as might be necessary, he was strongly of opinion that the whole of the remaining surplus should be taken off the fees. That being the case, he had only to remark that the records, of which he had never seen a more valuable collection, were exposed to great risk of destruction by fire; and he was struck more than anything with the circumstance that the clerks were allowed to return to the offices and remain there up to 8 or 9 o'clock at night, in order to work overtime. The clerks had fires in their rooms, and on leaving for the night they were accustomed to rake out the cinders into the grate, which he believed to be a most dangerous practice; while the only precaution attempted was that some porter was supposed to see that the lights were extinguished, and that the fires were raked out. That appeared to be the whole security for these valuable records against fire. In consequence of this he had requested the Inspector to report to him, and the Treasury had also sent down another officer to make a special inquiry. It was, therefore, to be hoped that something had been done to render this most valuable collection secure from destruction by fire. From the circumstances to which he had referred, he believed the Committee would see that they were on the high road to improvement, and that the Treasury were really doing something in the matter.

MR. C. S. PARKER observed, that the explanation which had been given by the right hon. Gentleman the Home Secretary was very satisfactory to Scotch Members. Their constituents would be

glad to hear that the Government had *bona fide* given their attention to the subject this year, and that the right hon. Gentleman had mastered so many of the details; and as regarded risk of fire they had reason to thank him for the prudence he had shown. They had been offered two alternatives. First, that this money should be spent upon rendering the Department more effective; or, secondly, that it should go in diminution of fees. But he thought that the Government should give an assurance more definite in respect of time, that this year, at last, the money should go in one or other of these ways—either that the Department should be made more effective, or that the scale of fees should be revised. The hon. Baronet the Secretary to the Treasury, no doubt, felt himself in the position of a guardian of the Imperial Treasury, and bound to take care of its interests; but the money derived from the fees of this Department ought not to go into the Exchequer. It should be applied at once in reduction of the scale of fees or in adding to the efficiency of the Department. He thought, if an explicit promise were made to that effect, it would be more satisfactory and would meet the case.

MR. BIGGAR remarked that £46,000 was received from the Department, and only £36,000 was expended upon it. But that surplus was only nominal, for there were sums to be provided for, such as providing for those who had formerly held office in the Department, which would reduce the surplus to nothing at all. Something had been said in the course of the debate upon the desirability of a Cabinet Minister being appointed to look after the interests of Scotland. In his opinion, such an arrangement would be a waste of money; on the Treasury Bench there was not room for another Secretary of State—the ground was fully occupied as it was by hon. and right hon. Gentlemen, and great inconvenience was caused by crowding. There was one point to which he wished to refer—namely, the question of *sasines*. A salary was taken from the Government by a gentleman for doing entirely nominal work. In his opinion, no Government work should be allowed to be done by deputy, and if work was required to be done, it should be done by the holder of the office him-

self. He did not think there was the least grievance in this matter, and considered that the conduct of the Scotch Members was a waste of time.

MR. RAMSAY was surprised to hear Scotch Members censured for wasting the time of the House. The hon. Member for Cavan (Mr. Biggar), he was sure, could not possibly have been guilty of the same waste of time. The suggestion that he (Mr. Ramsay) made, that the Vote should be postponed, was based upon the fact to which he referred—namely, the absence from their places of the right hon. and learned Gentleman the Lord Advocate and the hon. Member for Edinburgh (Mr. M'Laren). In the absence of both those hon. Members, he thought that it would be desirable to postpone the Vote. It had been stated by the hon. Baronet the Secretary to the Treasury that the passing of this Vote would have nothing whatever to do with the Bill referring to the Office of Lord Clerk Register. Now, one of his reasons for referring to the Bill was that it might be necessary, in altering and improving the system of registration which now existed in Scotland, that some statutory authority for carrying out these changes should be given. It was in order that the Lord Advocate should consider whether anything of the sort should be inserted in the Bill that he had suggested that the Vote should be postponed. The suggestion seemed to him to be so reasonable that he had hoped that the hon. Baronet would have been willing at once to have acceded to it. The Scottish Representatives generally concurred with him in thinking that that would be the wisest course to take. Still, however, he did not wish to press the matter, and would leave it to the hon. Baronet to decide whether it should be postponed. He would ask him to re-consider his decision, and defer the consideration of this Vote at the present time, in order that the provisions of the Lord Clerk Register Bill might be fairly considered, and that such changes might be introduced into the system of registration in Scotland as were indicated by the right hon. Gentleman the Secretary of State for the Home Department. He was satisfied that Public Business would be expedited by the course he had suggested being taken; but still, after the explanation the right hon. Gentleman the Home Secretary had been good

enough to give them, as to the steps which he had taken with regard to the Department and the protection of documents deposited in the Registry Office, he felt that he was bound to withdraw his proposal, if the hon. Baronet insisted upon it.

SIR ANDREW LUSK remarked that there were, no doubt, some important questions connected with this Vote; but the right hon. Gentleman had given a statement of what had been already done with regard to the Office, and what it was proposed to do, and, in his opinion, nothing more could be desired. The right hon. Gentleman stated that he had been down, and had himself looked into the matter, and was trying to bring about the results which hon. Members wanted. For these reasons, he appealed to his hon. Friend (Mr. Fraser-Mackintosh) to withdraw his Motion.

MR. FRASER-MACKINTOSH said, that in consequence of the statement of the Home Secretary in explanation, he would withdraw his Motion. He thought, however, that they were entitled to that statement without being obliged to make all that fuss about it. He took exception to several of the remarks of the Home Secretary. The Treasury had not to pay the cost of carrying out the recommendations. It would come out of the pockets of the proprietors of lands and houses in Scotland. A thoroughly efficient organization would not, he was informed, cost £2,000 a-year additional, hence a large reduction of the fees could instantly be made. If the Home Secretary insisted on a reserve, it could be pointed out that there had been a large surplus from past years improperly drawn from the class alluded to. He withdrew his Amendment on the understanding that the suggestions of the Home Secretary would be carried out. There was one question he wished to draw the attention of the right hon. Gentleman to, and that was the placing on the Civil Service Lists of all the clerks employed engrossing, or otherwise, in the Register House, with a view to their proper remuneration and ultimate superannuation, as to which great dissatisfaction existed. Memorials from these deserving officials had been presented, and demanded favourable consideration. He should be glad to know whether the Home Secretary saw his way to a satisfactory settlement of that question?

Mr. Ramsay

MR. J. W. BARCLAY said, that before the Amendment was withdrawn, he would urge upon the Government that it was not only necessary to have an increased efficiency in this Department, but a reduction in the fees. The hon. Member for the Inverness Burghs had stated that £2,000 a-year would be sufficient to complete the organization of the Office. The fees at present paid into the Office would fully meet that expense, allow a reduction on the fees charged, and yet leave a very considerable margin to protect the Treasury from loss. Not only was it necessary that there should be increased efficiency in the Office, but also that the fees in Edinburgh be reduced. After the explanation and assurance which had been given, he thought the Motion might very well be withdrawn, and that they might wait for another year to see what was done.

MR. ASSHETON CROSS said, that an exact paraphrase had been given of what he had himself said. He was anxious about the superannuation of the clerks—some of them he was bound to say, in his opinion, were entitled to superannuation; but there were others whom he conceived to have no such claim. As hon. Members might be aware, there was a difficulty at the present moment, owing to all of those persons not being Civil servants. The question was, however, being discussed, and after the lapse of another year he would be able to speak of it much more fully.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £63,433, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Expenses of the Prison Commissioners for Scotland, and of the Prisons under their control, including the Maintenance of Criminal Lunatics and the Preparation of Judicial Statistics."

MR. DODSON said, that, perhaps, the Secretary to the Treasury would be good enough to answer some questions with regard to this matter. The same information was not given in the remarks accompanying this Vote as was done in the case of the similar Vote in regard to England. It was upon that matter he wished to ask some questions. He

wished to know the number of prisons taken over by Government from the day they first commenced to take them over; what reduction in their number had since been made; and he also wished to know what reduction had been made in the cost of prisons generally since the Government had taken them over? In the Memorandum accompanying the Vote, it was stated that the average cost of prisoners was, per head, £27 4s. He would point out that that was a higher amount than the average cost of a convict in Perth Prison, and £3 or £4 higher than the average cost of a prisoner in the local prisons of Scotland in 1877—the year before the Government took over the prisons. It would seem, therefore, that the average cost of a prisoner under Government had increased instead of diminishing.

MR. J. W. BARCLAY inquired what progress had been made in arriving at a settlement with the local authorities in taking over the prisons?

SIR HENRY SELWIN-IBBETSON was afraid that he was not able to give a very good account of what had been done under the Prisons Regulation Act for Scotland. The reduction in the number of prisons in Scotland had not been so great as in England, because of the necessity for enlarging certain of the prisons in Scotland very considerably before they could abolish others. That process entailed not only a very considerable amount of time, but a very large amount of money. The cost of prisoners in Scotland was, no doubt, in excess not only of prisoners in England, but of prisoners formerly in the local prisons. That arose from the inability of the Government to reduce the number of prisons in Scotland in the same proportion as they had reduced them in England; thus the cost of a prisoner in Scotland could not be reduced in the way in which it had been done in England. He believed that his right hon. Friend the Home Secretary had it in contemplation to enlarge one or two of the prisons in Scotland, and thereby to do away with a considerable number. By that means they would be enabled to make a considerable reduction in the cost of prisoners in Scotland as they had in England.

MR. DODSON thought that the questions which he had put had hardly been answered. The point which he wished

to make was that it appeared from a Memorandum accompanying the Civil Service Estimate that the average cost of a prisoner in Scotland had been estimated at £27 4s. He pointed out that that was a higher amount than, according to the judicial statistics of Scotland, was the cost of a convict in 1877, and that it was a still greater expenditure than the average cost of a prisoner in the local prisons in Scotland in the year 1877, the last year in which the prisons were in the hands of the local authorities. The average cost of a prisoner, as set down in this Memorandum, was £27 4s., and the average gross cost of a prisoner in the local prisons, in 1877, was something like £24, according to the judicial statistics. He thought that there must be some explanation of that, and perhaps the right hon. Gentleman would be good enough to give it to them. The other question which he wished to ask was, what was the number of prisons that had been closed since the Government took over the prisons, and what reduction had been made in the total cost of prisons in Scotland since the Government took them over? He was aware that in Scotland there was a certain number of very small prisons; and, no doubt, some would have to be maintained in districts where the population was sparse. It was also probable that some that might eventually be abolished could not be closed until other prisons were enlarged.

MR. ASSHETON CROSS said, that he could not answer the questions which had been put at the present time. The Commissioners would, he believed, shortly send in their Report, by which some of the questions asked could be answered. He might observe that in Scotland things were not done in quite the same way as in England. Owing to the amount of prisons, compared with the number of prisoners, it was necessary to do away with a great number; but, owing to the smallness of some of the prisons, they found it impossible to shut up two or three, because those left were too small to take the prisoners. Practically, in Scotland, they would have to build a certain number of fresh prisons altogether. At the present moment the number of prisons which had been closed in Scotland was very small; but a scheme was under consideration, and he would venture to say that after the

Commissioners had made their Report something would be done in the matter. A question had also been asked as to the arrangements which had been come to with the local authorities. Some difficulty had arisen in this matter from the fact that the cells in Scotland were not certified. It became necessary, therefore, to take some standard by which they could be guided as to whether cells were to be paid for or not. As the Bill was originally drawn, they were to pay for every cell of 700 cubic feet; but the hon. Member for Edinburgh (Mr. M'Laren)—doubtless bearing in mind that the new prison at Edinburgh did not meet the requirement—objected to the provision. The matter was taken up by a considerable number of Scotch Members, and they stated that they would rather leave the question to be decided by the Secretary of State, as to which were the proper cells, and which were not. That course was adopted; but it had led to a considerable difficulty in the administration, for it was a very hard thing for the Government to say what was the actual value of the cell. They had come to what might be taken as a reasonable solution of the matter, and had fixed a certain amount of cubic feet as the requisite size for the cells to be taken over; every cell under that size would have to be certified as fit for human habitation. He had also been asked to account for the fact that the average cost of a prisoner in Scotland was now £27, a higher amount than appeared under the old system. It was perfectly true that the cost of a prisoner in Scotland was now greater than formerly, and he could not explain the actual difference; but he must point out that in Scotland they had begun by increasing and adding to the cost by appointing the Commissioners and Inspectors, and had, as yet, arrived only upon the fringe of the subject. The actual cost of the prisoners had thus been increased; but the extra expenditure had been caused by the new staff, the benefit of which would be found thereafter.

MR. DODSON asked, if it was to be understood that, up to the present time, there had been no actual reduction in the total cost?

MR. ASSHETON CROSS: None.

MR. J. W. BARCLAY said, he was glad to hear that there was likely to be

an arrangement made with regard to the old prisons. He would like to know whether cells certified by the right hon. Gentleman's Predecessor would be taken as now suitable for the reception of prisoners, and would be so certified by the Inspectors? He did not know whether the right hon. Gentleman was aware that many cells under the standard (700 cubic feet) he had fixed had been certified as suitable by his Predecessors. He hoped that he would consider the cells so certified sufficient under the present Act. Could the right hon. Gentleman indicate when he would be able to announce his intentions as to the new prisons in Scotland?

MR. ASSHETON CROSS said, that what the hon. Member had said was exactly what he (Mr. Cross) did not mean. He did not intend to adopt any cells which had not been passed by the Inspectors in Scotland; it was not his intention to adopt cells allowed by his Predecessors in Scotland. Under the Scotch Prisons Act there was not such a clause as was contained in the English Prisons Act providing that cells should be certified. As a matter of fact, prisoners were allowed to be kept in certain cells with the knowledge of the Inspector; but those cells were never certified in Scotland as they were in England. The real fact was, that if he were to adopt those cells he would be held up in that House as doing wrong, and as being one of the greatest tyrants that ever existed by permitting prisoners to be put in places not fit for habitation. Another question had been put to him as to when they might expect to begin the new prisons in Scotland. He hoped very soon; but there was great difficulty in putting these matters into the Estimates, arising, as he would point out, from the, at present, very inconvenient system of keeping accounts. Take the prison of the City of Glasgow, for instance; it was a very valuable site, but it was not a good prison, and one he wished to get rid of. But it was necessary he should build a new prison before he got rid of it. For that purpose, he must put into the Estimates some £20,000, £30,000, or £40,000. If he could sell the Glasgow Prison afterwards, the whole of that money would come back to the Exchequer; but by the present mode of keeping accounts, the item of £40,000 on account of the

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Glasgow Prison, which would be defrayed by the sale of the site, would appear in the Estimates as an extra charge for the year, and cause the Estimate to exceed the previous year by that amount. That seemed to him a very great mistake in the manner of keeping accounts. He hoped by some means or other, in a short time, however, to deal with the City of Glasgow Prison. Before long, also, he trusted in many parts of Scotland to do away with numbers of the smaller gaols that were unfit.

MR. J. W. BARCLAY observed, that what they complained of in Scotland was that the Home Secretary required them to have better cells than were accepted in England. They were perfectly willing to be placed on the same footing with England; but they did not think it right that they should have to provide a superior cell. The right hon. Gentleman's Predecessors had declared certain cells in prisons to be suitable for the detention of prisoners. He thought those cells ought to be allowed under the present Act, because they were certified by the Predecessors of the right hon. Gentleman, and were in themselves very much better in many ways than some of those taken over by the Government in England.

MR. ASSHETON CROSS thought the hon. Member had misunderstood what he had said. Under the English Act of 1865, cells were certified and given a legal status; but in Scotland there was nothing of that kind. He quite agreed that cells had been passed by the Inspectors, and a certificate given by the Home Office in many cases; but they did not give those cells any legal status. Therefore the legal definition of a certified cell as existing in England did not apply to the cells in Scotland. Coming, however, to the other part of the question, he might say that they had not the slightest intention of dealing more hardly with Scotland than with England, the only object they had in view being to obtain such cells as would be suitable.

MR. MUNTZ did not think that the Committee was then in a position to discuss the Prisons Vote. The Act ought to be some time in working before its operation could be reasonably discussed. In the course of six or seven years it would have had a fair trial, and then

would be the time to discuss what they ought to do. When the Act had been in operation for that period, they would be enabled to see its results. In his opinion, what the Act required to be done at the hands of the Central Government might be much better done by the local authorities. But the House had decided otherwise; and he, therefore, thought that the Act should be given fair play while it was being carried out.

MR. ERRINGTON thought the salaries of the various officers had been, to a certain extent, calculated upon the number of prisoners and of prisons. Under these circumstances, it seemed to him inconvenient to discuss the question of these salaries unless they had accurate information as to the number of gaols. Was the right hon. Gentleman in a position to state the number?

MR. ASSHETON CROSS remarked, that he had not then the Papers with him, although an Estimate had been made. It was, however, an Estimate to which he did not bind himself. The Inspectors had their salaries calculated according to all the circumstances of the case, and not only to the number of prisoners.

MR. WHITWELL noticed an item of £3,000 for additions to the Lunatic Department. He should like to know whether it was intended to have the lunatics in the General Prison?

MR. ASSHETON CROSS: The lunatic ward is quite distinct from the General Prison.

MR. O'DONNELL observed, that he found that the salaries of persons engaged in religious ministrations in the Perth General Prison, including the chaplains and Scripture readers, male and female, amounted to nearly £700 a-year. The Roman Catholic priest out of that sum was paid only £70 a-year, and he thought that was rather an inadequate allowance, considering the number of Roman Catholic prisoners. He wished to point out that a priest at one of those prisons must devote a large portion of his time to the prisoners, and the remuneration paid did not seem to him to be sufficient for the services performed by the Roman Catholic chaplain. He believed that the system with regard to persons engaged in religious ministrations to prisoners in the Scottish gaols was far from satisfactory; and in connection with the matter, he would

more particularly point to the very inadequate salary paid to the Roman Catholic chaplain at Perth.

MR. ASSHETON CROSS said, that since the Estimates were framed in November, the whole question of religious ministrations to prisoners had been under consideration. They had now come to a conclusion with regard to the principal points, and a scheme embodying them would shortly be adopted. That was the case with regard to England, and he hoped it would shortly be so in the case of Scotland.

MR. PARNELL said, the Estimates were put before the House with very little information, under letter D, as to salaries and allowances. In the case of these Scotch prisons, the only details given them, under the head D, were some matters concerning the General Prison at Perth. He supposed that that was taken as a kind of example. He would point out, however, that in the case of the English prisons they had a much larger amount of detail given them. He hoped that next year they would have full details, both as regarded Scotch and Irish prisons.

SIR HENRY SELWIN-IBBETSON said, that at the time the Votes were prepared, it was not possible to give full details with regard to the Scotch prisons. Before the Estimates for next year were framed, the question of the prisons throughout the country would be placed on a permanent basis, and it would be possible to give all the information the hon. Member required.

MR. PARNELL hoped that the hon. Baronet the Secretary to the Treasury would take into consideration the scale of salaries paid to prison officials. When the Vote for English Prisons was under discussion, he moved to reduce the Vote on the ground that the salaries paid to English prison officials were higher than the salaries of Irish officials. He considered this question of the salaries to prison officials a very important matter. He looked at it in this way—if they gave a low salary for a prison official, they necessarily obtained a lower class of persons in the prisons than they would do if the employment was made more remunerative. It was exceedingly necessary that the warders in prisons should be men of a better class than at present, and in order to attract them they must be well paid. It

had always appeared to him that the profession of a warder should be very much like that of a schoolmaster. They had in the prisons criminals of various classes; some men hardened in crime—men who had committed enormous offences—but the majority of the prison population was composed of men who had committed an offence for the first time, and who were capable of reformation. If they set warders of an inferior class over such persons, they would simply harden them in crime, instead of reforming them. On the other hand, if the warders were trained, as the teachers in schools were trained, they would have a better class of men, and the prison discipline would be much more satisfactory than at present. He really thought that this question was very much lost sight of. The money for the maintenance of prisons was formerly derived from local sources, and was not voted by Parliament. It was now voted by Parliament, and these matters should be attended to. By keeping the salaries at a low ebb, they would be sure to get an inferior class of warders. If the hon. Baronet would consider the rate of payment to the warders with a view to raise it, he believed that they would be able to obtain a very much better class of warders, who had a great influence in the reformation of the prisoners. Perhaps he might be excused for going into some few matters of detail. By the Prisons Act, 1877, prisons were removed from the jurisdiction of the local authorities and placed under that of the Home Secretary. The Visiting Justices had very extensive powers under the old Prisons Act—the management, dietary, and powers of inspection, together with the appointment of the prison officials and warders, and, in fact, the whole management of the prisons was under their charge. The case was the same in Ireland, and, to a large extent, in Scotland, except that in Scotland the prisons were managed by a Prisons Board, which was composed of Justices. Practically, all the county Justices were upon the Prisons Board, and the management was, therefore, the same as it was in England and Ireland. Naturally, the Justices exercised a very large control over all the warders and Governors under their authority; but now the prisons had been handed over to the Government, and the power had

been entirely centralized. Almost all the functions which were formerly performed by the Visiting Justices had now been taken away from them, and they had been left nothing to do. There was a clause in the Prisons Act which described the functions of Visiting Justices, who were by the Act called the Visiting Committee of Justices. That clause appeared only to have been put into the Act *pro forma*, in order to let the Justices down as lightly as possible, and to make them think that they had still some functions to perform with regard to prisons. From correspondence he had had, and from inquiries he had made, he had ascertained the view now taken by the Visiting Justices of their functions. They were of opinion that they had really no power at all. Moreover, the Act had been interpreted harshly and rigorously against them, and they had arrived at the conclusion that their duties had been entirely taken away from them.

THE CHAIRMAN said, he must point out to the hon. Member that the observations which he was now making were with reference to the English Prisons Vote, and not to the Vote now before the Committee. He understood the hon. Member to be referring to the functions of the Visiting Justices in England, and that certainly was not a matter arising under the present Vote.

MR. PARNELL said, there had been Visiting Committees in connection with the Scotch Prisons, and he thought he should be allowed to refer to the state of affairs as they existed in England in comparison with Scotland. The hon. Member was proceeding to comment upon the evidence of Sir William White, when—

THE CHAIRMAN again drew the attention of the hon. Member to the fact that the statements of Sir William White might be a very proper matter for the consideration of the House on another occasion, or might be a very proper contribution to the discussion on the English Prisons Vote; but it did not seem to him that they were relevant to the Vote now before the Committee. The hon. Member was not, therefore, in Order in going into these matters. The whole question of the prison discipline of the English prisons might be raised if the House went into such matters as the hon. Member was now referring to.

MR. PARNELL, in deference to the ruling of the Chairman, would not further refer to the evidence of Sir William White. He only wished to point out that the Visiting Committee in Scotland had precisely the same powers, or rather the same want of powers, as they had in England. The Visiting Committee had ceased to take any interest in their functions, for they had been superseded by the interpretation placed upon the Act of 1875 by the Home Secretary. He believed that an interpretation had been placed by the right hon. Gentleman upon the Act which was never contemplated when it was passed. When the present Act was passing through the House, he moved a new clause for the purpose of insuring that the punishments inflicted upon prisoners in gaols should not be done on the sole authority of the gaolers, but with the sanction of the Visiting Committee, in cases where solitary confinement for more than 24 hours was inflicted. There was no difference in this respect between the Scotch and the English Prisons Acts. By the 67th section of the English Prisons Act of 1865, the gaolers could punish prisoners by three days' confinement, and a similar section was in the Scotch Act. It was to limit that power that he moved the clause to which he had alluded; but by the interpretation placed upon it by the Home Secretary it had failed altogether in its effect. Under this system a man could be punished for three days, though the rules said he was not to be kept in the punishment cell for more than 24 hours. The prison authorities claimed the right to shut a prisoner in his own cell for three days, which seemed to him an absurdity. There was nothing in the Act about punishment cells. It simply required that there should be suitable cells provided for the purpose of punishing prisoners condemned to solitary confinement. It would, therefore, appear that this power of the gaoler to punish prisoners by confinement in their cells was a new practice outside the law, and not a practice allowed by the statute at all. It was certainly an illegal practice, and his attention had been a good deal drawn to it. Prisoners who did not "know the ropes" were very often repeatedly punished in this way, until they became so reduced physically that they were unable to do their work, and, as a

result, prisoners very often died from the results of this punishment. That was the case with Nolan, and it was found to be so by the Coroner's jury. Certainly, in future, this power should be restrained to 24 hours, instead of three days; and he was very sorry the Home Secretary was not present, because he knew the matter had occupied his attention, and he should like some assurance that he was making some inquiries into the matter. He hoped the Home Secretary would take the opinion of the Law Officers of the Crown upon the subject, and ascertain whether these powers really existed in the hands of the gaoler. If it did, then he must introduce some amending Act, or it would be the duty of some independent Member to do it. The practice should not be tolerated for an instant of allowing gaolers to inflict this penalty. Where it was given, it should be inflicted only by the Visiting Justices, who should try the prisoner for the offence and sentence him. He did not see the least reason why the Visiting Justices should not enjoy power to that extent. This was the last remnant of power they possessed under the Act of 1877, and even that was so interpreted that the Justices had no practical control whatever. There were many other points suggested when the Act was passing through the House, to which the Home Secretary promised to give attention. For instance, he asked that men in the habit of wearing flannels should not be deprived of them when they entered prison. His attention was directed to the matter by the fact that that was the treatment inflicted on several of the political prisoners, and, as they all knew, more than one died in the prison. The Home Secretary promised to make a rule on the matter; but he had not done so. Again, the Home Secretary promised to attend to the question of malingering, which it was very difficult to guard against; but there was an entire absence of any reference to it in the rules. Then, again, prisoners sentenced to short terms, such as 21 days, got a diet which was practically insufficient to support life; and he was informed that in many prisons it was not used, because it was considered to be so. He had touched upon some of the points which he considered worthy of notice; and he trusted, in the absence of the Home Secretary, that the hon. Gen-

tleman the Secretary to the Treasury would be able to give them some assurances on the subject.

SIR HENRY SELWIN-IBBETSON said, all these subjects had occupied the attention of the Home Secretary, and he knew that his right hon. Friend had thoroughly studied all these rules and regulations. The Committee must, of course, be aware that the rule was not to make much of prisoners, and the principle to be observed was that they should be so treated that no injury was done to their health. As to the question raised by the hon. Gentleman, that warders should be of the educational rather than of the strict guardian type, that was a very wide question, which went much further than the mere case of the warder. They must consider what their prisons were constituted for. His own view was that the prison should be a place, if possible, of punishment for the crime committed; and, while avoiding anything like tyranny or cruelty on the part of the officers, the prison should not be to the prisoner a place which he could contrast favourably with his ordinary life. While providing for the education and instruction of the prisoner, he yet doubted whether they would be justified in increasing the expense of the prison by improving the character of the officials, who might more fairly be looked upon as custodians rather than as educators of the prisoners in confinement. Their education and instruction was delegated to other officers employed for that purpose; and if they had in the warder a man who was careful and trustworthy, he very much doubted whether he need be any more than that. With regard to the difference in salaries, he hardly thought the contention of the hon. Gentleman was borne out by the facts. The salaries of the Irish warders compared favourably, in his opinion, with the salaries paid in the Scotch prisons, and even with those in the English prisons. They represented, he was satisfied, the value of the labour that was given in the three countries. Of course, the authorities of the prisons must get properly efficient men, and the salary paid must fairly represent that efficiency. The salary of the warders had been, to a certain extent, raised, in order to get suitable men. If the hon. Gentlemen doubted that, he had only to look at the Estimates. The warders in

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Ireland were paid £55, rising by £5 triennially to £70; while in Scotland the warders were paid £62, rising annually by £1 to £80; and in England they were paid £70, rising by £1 to £75. Therefore, the Irish warders were not unfavourably handicapped, as against the other two parts of the Kingdom. He could assure the hon. Member that there was no one more desirous of carrying out this Act on principles of humanity, though at the same time observing proper discipline, than his right hon. Friend.

MR. O'CONNOR POWER observed, that this question of prison discipline was a very important matter. The two things necessary in regard to it were—first, good rules, and next, good administration. Now, he wished to point out that the Home Secretary had not fulfilled the promises he had made. They were dissatisfied with a number of points which, though small in themselves, were very important in their consequences. To his mind, the most important question connected with this subject was that of administration; and although by agitation they might succeed in getting the Home Office to try to frame rules as nearly perfect as possible, everything depended on the character of the persons appointed to carry them out. The object of the Commissioners should, therefore, be to secure the services of good men in all departments; and if they were to attract to the service men who could be trusted to do what was right in practice, and when the eye of their superior officer was not upon them, the remuneration now given in many departments must be enlarged. He had attended very closely to all the debates which had taken place in the House on the present system of prison discipline, and it had always seemed to him that the only way by which proper prison administration was to be secured was by, as far as possible, subjecting the prisons to non-official inspection. This was, also, one of the most useful parts of the suggestion of his hon. Friend the Member for Meath (Mr. Parnell), when he called attention to the necessity of letting light into prisons through the medium of Visiting Committees, for it was the only machinery by which the public outside were able to exercise any direct influence upon prison discipline. The limited powers given to these bodies

should not, therefore, be restricted; on the contrary, the tendency to this opinion should be in the opposite direction. He remembered one suggestion brought forward before the Committee, that upon the payment of a small fee the public might be allowed to visit prisons at certain times, and see the size of the cells; and, again, one of the gravest questions that occupied them was concerning the size of the cell in which a prisoner had to be inured for a length of a time. The result of their consideration of this point was that some of the cells were thought to be unfit for the habitation of a human being. But absolutely nothing had been done to effect independent inspection at any time on the part of the outside public. He repeated, that the first object should be to frame new rules, and that the next should be to see that the good rules were administered; but, at present, the public had not guarantees for good administration, which, like all attempts to accomplish anything good, required the greatest care. The public, in his opinion, ought at some time or another to be allowed to see for themselves what was going on in these establishments. Attention had been called to the position of Catholic chaplains in the Scotch prisons, and it had been stated that some arrangement was made that they should be paid by time work, or by a kind of capitation grant. If that were the actual arrangement, it spoke very well for the conduct of the Catholic people of Scotland, because it showed that the Catholics formed a very small proportion of the prisoners. But he had met on more than one occasion with complaints of the narrow way in which Catholic priests were dealt with in the Scotch prisons; and now that Government had taken the prison administration into their own hands, it was a matter worthy of their attention to see that no class of prisoners should be without the services of ministers of religion, no matter what might be the local opinion under the circumstances. No matter what the prison officials might say or do, they could not make a man worship God according to the dictates of another man's conscience; and if they did anything to prisoners to make them amenable to religious influences, it must be by approaching them through ministers of their own persuasion. The Government must be

aware that there was a large party in the House of Commons to whom this matter of prison discipline had for a long time been a subject of the greatest interest; and that many measures would have been brought forward by private Members, had they not hoped to succeed in pressing the Government not to let the question drop until the whole system had been placed upon a sound footing.

MR. O'DONNELL had listened with great pleasure to the hon. Baronet the Secretary to the Treasury, when he stated that the Home Secretary had taken into his serious consideration some of the points raised by the hon. Member for Meath (Mr. Parnell); but that had not touched the very essence and foundation of their complaint, that whatever might have been the consideration bestowed upon the point referred to, the right hon. Gentleman had not carried out his promise. He (Mr. O'Donnell) could not see that it could be very much consolation to the friends of a prisoner sentenced to twelve months' or three years' imprisonment, and who had been accustomed to wear flannels and required them for his health, to find that, notwithstanding all the consideration given by the Home Secretary to the subject, no rule had been framed to protect him from the brutality of being stripped of those garments upon which his health depended. The Secretary to the Treasury said that prisons were not places of pleasure, and that the population at large ought not to be accustomed to look upon imprisonment as an agreeable interlude in the business of life; but nobody in the House could at all favour the theory that punishments were given only for the object of exercising severity. He confessed that if the Home Secretary had given his great consideration to this matter, it was certainly singular that he should have allowed himself to be so far misled by his own reasonings as to contrive that curious gloss upon the Act of Parliament by which the plain intent of the Legislature had been totally foiled. The Legislature had decreed that the punishment of solitary confinements should not be inflicted for a period of more than 24 hours, except with the consent of certain outside authorities—namely, the Visiting Justices. But the right hon. Gentleman considered the question in this way. He knew that the Act forbade the infliction of close imprison-

ment upon a prisoner for more than 24 hours, except by permission of this external and independent authority; he also found that in the Act close imprisonment was defined to be imprisonment in a punishment cell. So he got out of the difficulty by an evasion, equally unworthy of his office and of the responsibility in which he stood before the country. The Act forbade him to inflict more than 24 hours in a regulation punishment cell, so he got out of the difficulty by allowing the gaoler to inflict three days' punishment in the prisoner's own cell. This was cruelty; it was not punishment, it was barbarity. Therefore, the sooner the right hon. Gentleman devoted a little more consideration to the subject the better for his own influence and the better for future Acts of Parliament. The question of prison discipline ought to engage a still larger share of the attention of the House than it had during recent years. It was admitted that, so far as any reformation of the prisoner was concerned, the working of the present system had been a thorough failure, and that to have passed a certain number of years in these academies of crime justly branded a man as a bad character for the remainder of his life; it was, therefore, necessary to impress upon the Government that the visits of prisoners to these places should, besides being punitive, be also reformatory. Unless they were to provide that when a man who got into prison should never come out, it ought to be considered how far the time spent there was likely to harden him in crime; and, in many cases, where the individual was as much a victim as an offender, whether he should become a burden to the population all the days of his life?

MR. BIGGAR had no doubt that punishments should not be inflicted except after judicial decision, and that, therefore, a Judge who gave that decision should know what was the extent of the punishment for which he passed sentence. It was thoroughly unreasonable that the Judge should think the punishment was going to be one thing, and that the party carrying the sentence into effect should inflict something of an entirely different character. But such was the case under the present system. The Judge might sentence a man to imprisonment with a certain amount of hard

labour; and, in the manner described by the hon. Member for Meath, he might be put upon bread and water in solitary confinement, with the certainty of his either being permanently injured or meeting a premature death. It was never the intention of the House of Commons, when the Prison Act was passed, that such things as these should happen, or that the term of a month's imprisonment should become an equivalent for execution by Mr. Marwood. Another blot upon the system was that nothing was known or heard of a prisoner during the whole term of his imprisonment. If a man died from the effects of the treatment received, it was unsatisfactory that a Coroner's jury should decide upon the circumstances of his death, even supposing they could by some means get up the facts of the case; and it was well known that the officials supported and screened one another. He, therefore, considered that, as the Home Secretary had promised to amend the prison rules, some arrangement should be made by which a prisoner should have the opportunity of complaining if he thought he had been treated in a manner not in accordance with the prison rules. With regard to the prison chaplains, it was, of course, proper that they should receive a liberal salary; but this office, in the present case, was filled by a gentleman who also received £20 to pay for a substitute during his absence, from which it was to be gathered that he gave the whole of his time to the duties of the office. The Catholic priest got £70 a-year; but he did not require any irresponsible Scripture teacher, because he performed his duties himself. Then came the Scripture reader with a salary of £140 a-year, which was a larger sum by £15 than what was given to the highest teacher in the gaol, and was more by £10 than the sum paid to the head-warder. He (Mr. Biggar) held, in the first place, that these Scripture readers were not required at all; and that, secondly, even supposing they were required, the salary was excessive. The position of a Scripture reader was that of a person thoroughly irresponsible, and was either too stupid or too dishonest to fill that of schoolmaster, or, in short, any other useful employment. He thought that hon. Members of all denominations should set their faces against this system

of paying to these irresponsible persons salaries equal to those paid to ministers of the Established Church; for that reason, he would move that the item of £140 for salaries to these persons be struck out of the Vote.

Motion made, and Question proposed,

"That the item of £140, for Salary of Scripture Reader in Perth Prison, be omitted from the proposed Vote."—(Mr. Biggar.)

SIR HENRY SELWIN-IBBETSON could not for one moment agree that the Committee would take the view expressed by the hon. Member for Cavan (Mr. Biggar) of the position and duties of the Scripture readers, and he trusted that the Motion of the hon. Member would be rejected by the Committee.

Mr. PARNELL thought the Committee was entitled to know whether the Home Secretary persisted in the interpretation which he had placed upon Section 50 of the Prisons Act of 1877; that interpretation being entirely contrary to the intention of Parliament, and assuming an authority on the part of the Home Office which rendered the clause of no practical effect whatever. He had already explained that it continued the power to gaolers to inflict solitary confinement on bread and water diet just in the same way as before. Instead of limiting the power of these men, the Home Office had, by a device of their own, interpreted the Act to mean that solitary confinement of a prisoner in his own cell was a separate and distinct punishment from solitary confinement in a punishment cell. He wished to know whether the Home Secretary still adhered to his interpretation, and whether he had taken any steps since the matter was last discussed to submit the question for the opinion of the Law Officers of the Crown, as to the construction to be placed on the Section of the Act of 1877, to which he referred? He also desired to know whether, if he was still of opinion that the power to inflict this punishment existed, he would bring in a short Act to carry out the obvious intention of Parliament? As regarded the question of flannels, the Home Secretary had certainly promised that care should be taken to supply flannels to those prisoners who required them. The words "shall get them" were merely a form of expression, and he would be glad to know what steps the right hon. Gen-

tleman had taken to frame rules with regard to this matter?

SIR HENRY SELWIN-IBBETSON said, the hon. Member for Meath had forgotten that the power referred to had been in existence previous to the transfer of prisons. The punishment of bread and water diet was absolutely necessary for the maintenance of prison discipline.

MR. CALLAN observed, that the Roman Catholic priest received only £70 a-year, the Presbyterian clergyman £50 a-year; but the Scripture reader, whom he generally found to be a spirituous individual, was paid a good deal more. The teachers of religion in a prison at Perth thus only received £50 a-year; whereas the Scripture reader, the inferior minister, was paid a salary of £140 a-year, which salary it seemed had originally been fixed at £110 a-year, and had risen to its present maximum of £140. Thus the Scripture reader was paid exactly double what the Roman Catholic priest received. He could not understand another item; a warder received a salary for acting in the capacity of a "precentor," whatever that might be. There was also a teacher of music to the female convicts. He should like some explanation as to the allowance to a warder for teaching music to female convicts; he thought an explanation was also desirable with regard to the difference between the salaries to the Roman Catholic priest and the Protestant clergyman.

THE CHAIRMAN said, that it had been proposed to omit an item from the Vote under discussion. He must point out that until the Committee disposed of the Amendment moved by the hon. Member for Cavan, no other item could be discussed.

MR. CALLAN stated that he would confine his observations to the question of the Scripture reader, and would reserve the other questions till later.

MR. BIGGAR wished to say a few words with regard to what had fallen from the hon. Baronet the Secretary to the Treasury. In the first place, with regard to readers of what they called "the Scriptures," in his opinion, a teacher of religion should be an authorized person—that was, authorized by some religious community; and he was most distinctly of opinion that that House should not permit unauthorized

persons to undertake the expounding of religion to persons under their control. He knew very well that Roman Catholics would not submit to such a thing, and he did not think that a member of the Established Church of Scotland would submit to have the doctrines of his Church expounded to him by any such irresponsible person as a Scripture reader. He knew one case of a Scripture reader who was formerly a National School teacher in Belfast, and was dismissed from his office for gross fraud; yet that person had been appointed a Scripture reader, and received money in that capacity. While employed as a teacher he issued what purported to be a summons from the Magistrates' Court in respect of a person's child, and levied a fine of a shilling for the summons. The summons was a forgery, and he had no right to charge anything for it. Having thus lost his situation as a National School teacher, that person turned his attention to Scripture reading, and had made a very good living out of it ever since. It seemed to him that those irresponsible people were very much better paid than properly qualified ministers of religion. The case of another Scripture reader in the North of Ireland was known to him. His character was described by a clergyman of the Church of Ireland in terms of unqualified disapproval. Under these circumstances, he must object to irresponsible people of this sort being employed, and for that reason he moved the reduction of the Vote.

MR. O'DONNELL thought that his hon. Friend the Member for Cavan (Mr. Biggar) must have formed his opinion of Scripture readers entirely from those few persons engaged in proselytizing in the North of Ireland. He was sure that there was no more respectable and no more useful body of assistants in the Protestant and Presbyterian Churches than the Scripture readers attached to those communities. The hon. Member for Cavan, it seemed to him, had been led to do injustice to the general body of Scripture readers from his experience of a certain number of persons called the Irish Church Missionaries. Forming his opinion from them, he had been led to generalize too much. The Scripture readers in prisons had a very arduous task to perform, and rendered good assistance to the minis-

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ters in their duties. Their employment thus tended to reduce the expenditure of religious ministrations in prisons, for he believed an expenditure in that direction was of great benefit in the reformation of prisoners.

MR. BIGGAR was indisposed in general to differ from his hon. Friend the Member for Dungarvan (Mr. O'Donnell); but on this occasion he could not agree with him. It was true he had no general experience of Scripture readers; but in the part of Ireland to which he belonged, that class of persons were in the habit of levying black-mail upon persons like old ladies who did not know the value of money. The payment to the Scripture readers was unfair, having regard to the salaries paid to the other officials in prisons. In the first place, he did think that it was the duty of the Committee to set its face against the employment of irresponsible teachers of religion. He had no objection to the payment of the Presbyterian chaplain, for he was responsible to the Church to which he belonged; but a Scripture reader was responsible to no one. Such a person might teach doctrines which were perfectly false so far as any Church was concerned, and he was not subject to the supervision of anyone at all. He might be a person of the most degraded character; and, for all these reasons, he felt himself called upon to divide upon this Vote. The Presbyterian Scripture reader at Perth must have gone on for some considerable time, for his salary had risen from £100 to £140 a-year, and, no doubt, the present Government were not responsible for his appointment. They found him in existence, and they did not raise any objection; but he thought then was the proper time for the Government to say that the whole of the duties of religious supervision to the Presbyterians in Perth Gaol should be properly carried out by a Presbyterian chaplain who was thoroughly competent, and who was responsible to the authorities of his own Church.

MR. PARNELL said, he was unwilling to differ from his hon. Friend the Member for Cavan (Mr. Biggar); but he thought on this occasion he was straining his point too far. His experience of Scripture readers was derived from persons in Connemara, who had rendered themselves obnoxious by

trying to convert persons from the Roman Catholic faith to the Protestant faith. But the Scripture reader at Perth did not undertake proselytism. The functions of Scripture readers in Scotch gaols were simply to read the Scriptures to those prisoners who wished to hear them read. The hon. Member for Cavan was going somewhat contrary to his principle, that persons of a particular religious persuasion were entitled to the ministrations of their own creed. There were persons in Scotland who attached much greater importance than others to the reading of the Scriptures. It was, therefore, quite right that they should be allowed to carry out their views if they thought proper. The objection of the hon. Member for Cavan with regard to the disparity between the salaries paid was, however, both fair and just. The Scripture reader got a salary of £140 a-year, while the Roman Catholic chaplain was only paid £70 a-year. If the Government would undertake to apportion the salaries of the ministers—of the different classes of ministers—in these prisons according to the number of prisoners of each religious denomination, the object of the hon. Member for Cavan would be obtained, and it would not be necessary to go to a Division. At present, it had been explained that the whole question of the salaries of the chaplains was in an unsettled state. The question of Scripture readers would be gone into; and he thought, as a sort of principle, that the members of every creed were entitled to have religious ministrations according to their own wishes. It seemed to him that they could make this compromise with the Government—that the Motion should be withdrawn on the assurance of the Government that they would consider the question of apportioning the salaries of the different chaplains and ministers of the various denominations.

MR. A. M'ARTHUR said, the hon. Member for Meath (Mr. Parnell), who had just sat down, had informed them that he seldom disagreed with his hon. Friend the Member for Cavan (Mr. Biggar); but he thought the hon. Member for Cavan was wrong on that occasion, and would recommend him to withdraw his Amendment, and allow the item to pass. He (Mr. A. M'Arthur) did not often agree with the hon. Member for Cavan; but on this occasion he

was disposed to do so. He begged, however, to say that he had not the slightest sympathy with the sentiments expressed by the hon. Member respecting Scripture readers. On the contrary, he believed that they were generally very good, excellent, and useful men; he had, therefore, no objection to them on the grounds mentioned by the hon. Member. But he believed there was a disposition manifested by certain hon. Members of the House to unnecessarily increase the number of chaplains and paid officials; and, with regard to the present case, he certainly thought that a Presbyterian chaplain, a Church of England clergyman, and a Roman Catholic priest, if they discharged their duties properly, should be quite sufficient to give religious instruction to the prisoners in one gaol. His hon. and learned Friend the Member for Louth (Mr. Sullivan) had stated, a few evening ago, when advocating an increase of Roman Catholic chaplains, that he had on one occasion voted in favour of a Presbyterian chaplain for a gaol in which there were only seven Presbyterian prisoners. Now, he (Mr. A. M'Arthur) could not help regarding that as altogether wrong, and a downright misappropriation of public money. In out-of-the-way places, where there were not ministers of all denominations, there might be some excuse for appointments of the kind; but in localities where there were numerous clergymen and ministers, and, comparatively few prisoners, he thought it would not be unreasonable to expect that such ministers should have sufficient Christian zeal and charity to induce them to attend to the religious instruction of prisoners belonging to the Church with which they were connected without any pecuniary reward. He also believed that the adoption of such a policy would have a much better effect upon prisoners and convicts themselves; for when they felt that men were giving them religious instruction and advice in a professional way, and merely because they were paid for doing the work, the effect upon the minds of prisoners was not likely to be so salutary and beneficial as if they felt that ministers belonging to their own Church were, from a sense of duty and out of pure love to them, endeavouring to promote their best interests by giving them religious instruction gratuitously. Such instruction was highly valuable

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and necessary; but he again stated that there appeared to be a desire on the part of certain hon. Members to unnecessarily increase the number of chaplains and paid officials. He protested against that as a waste of public money, and he thought hon. Members on both sides of the House should give the subject their careful consideration and attention.

Mr. SULLIVAN did not think that the economical mind of the hon. Member for Leicester (Mr. A. M'Arthur) should be vexed by the expenditure under this Vote. The objection raised to the Vote could not be supported on the broad ground of principle, because the doctrine which would have to be enunciated was that the ministers of religion should have to live upon air. Even Scripture readers and ministers of religion had to pay their butchers and bakers. And if the Government did not pay the ministers of religion, who was to do so? Some one must pay them. The moment the Government put themselves into a position of authority, either with regard to paupers or prisoners, they were bound to pay for their support, their medical treatment, and their religious wants. Upon what doctrine could the hon. Member for Leicester support his argument that the ministers of religion were not to be paid? He was surprised, on this occasion, to find a conjunction of Leicester and Cavan in the objection to this Vote. It seemed to him that if a Presbyterian required the services of a Scripture reader he was entitled to have them. He took the broad view that if a man were put into prison, where reformation and amendment, rather than torture and vengeance, were to be the guiding principles, the influences of religion should be brought to bear upon that man even more strongly than when he was out-of-doors. The more complete and full the influences of religion upon a man were, so would his amendment be the stronger and more sincere.

Mr. BIGGAR observed, that the hon. and learned Member for Louth (Mr. Sullivan) seemed to think that he was attacking religion. He begged to say that that was not the case; he thought it was very desirable that prisoners should have religious teaching, but he thought that all religious teaching should be given by authorized ministers of religion. He did not believe in irresponsible teachers,

and it was for that reason he should take a Division upon the Vote.

Question put.

The Committee *divided*:—Ayes 4; Noes 152: Majority 148.—(Div. List, No. 112.)

Original Question again proposed.

MR. CALLAN, observing that the sum of £200 was charged as salaries for "female Scripture readers," asked for a definition of the term, and also for information with regard to the item for a teacher of music to the female convicts.

SIR HENRY SELWIN-IBBETSON could hardly conceive that any explanation of the term "female Scripture reader" could be necessary. With regard to the teacher of music, the object of employing that person was to enable the prisoners to sing in chapel.

MR. PARNELL explained that, although he had spoken against the Amendment of the hon. Member for Cavan (Mr. Biggar), he had voted for it, because the Government had not accepted what he (Mr. Parnell) considered to be a fair compromise, when he suggested that the salaries of the persons in question should be equalized all round.

MR. BIGGAR was not disposed to contest one of the items of the Vote. He was of opinion that a woman was quite as competent as a man for the purposes of religious instruction; but it seemed that the sum charged for salary to these female readers—namely, £100 each, was most extravagant; and as he thought that the services of one teacher only were sufficient, he begged leave to move the reduction of the Vote by the amount of £100, the amount of the salary of the teacher whose services he considered to be in excess of the requirements of the prison.

Motion made, and Question proposed,

"That the Item of £200 for the Salaries of Female Scripture Readers in Perth Prison be reduced by £100."—(Mr. Biggar.)

MR. SULLIVAN hoped the hon. Member for Cavan (Mr. Biggar) would allow the Vote to pass, and in recommending that, he took the opportunity of expressing the high respect which he entertained for his motives; but he could not help thinking that it was through a misconception that Irish

Representatives spoke upon questions like the present. He did not believe that the people of Ireland wanted any information as to the duties of female Scripture readers, whom they knew to be persons ministering to the spiritual wants and necessities of immoral females; and if the prisoners really had the benefit of the services of such functionaries, he could only say that he should be very sorry for the office to be done away with. He repeated his belief in the excellency of the motives of his hon. Friend, but appealed to him not to delay the passing of the Vote by a proposal that would be greatly misconceived out-of-doors.

MR. BIGGAR, after the appeal of his hon. and learned Friend, was not disposed to take a Division.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £65,521, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, of Criminal Prosecutions and other Law Charges in Ireland, including certain Allowances under the Act 15 and 16 Vic. c. 83."

MR. PARNELL thought the hon. Baronet (Sir Henry Selwin-Ibbetson) would recollect that the bringing on of these Irish Votes upon that occasion was in violation of a promise given by him shortly before the Whitsuntide Recess. The promise was given in reply to a Question as to the course of Business, made at the commencement of the Sitting, when the hon. Baronet stated that no Irish Votes should be brought on until the second Estimate night after Whitsuntide. [SIR HENRY SELWIN-IBBETSON dissented.] The Secretary to the Treasury shook his head; but that was the distinct recollection of himself, and of many Irish Members; and, moreover, he noticed that the hon. Member for Galway (Mr. Mitchell H. E. T. Mitchell), who took a very strong interest in the Irish Votes, was not present in many thought the practice was a most vicious one, to put off the Votes from time to time, in order to suit the convenience of Members; but that was an entirely different thing to putting off the Votes,

was disposed to do so. He begged, however, to say that he had not the slightest sympathy with the sentiments expressed by the hon. Member respecting Scripture readers. On the contrary, he believed that they were generally very good, excellent, and useful men; he had, therefore, no objection to them on the grounds mentioned by the hon. Member. But he believed there was a disposition manifested by certain hon. Members of the House to unnecessarily increase the number of chaplains and paid officials; and, with regard to the present case, he certainly thought that a Presbyterian chaplain, a Church of England clergyman, and a Roman Catholic priest, if they discharged their duties properly, should be quite sufficient to give religious instruction to the prisoners in one gaol. His hon. and learned Friend the Member for Louth (Mr. Sullivan) had stated, a few evening ago, when advocating an increase of Roman Catholic chaplains, that he had on one occasion voted in favour of a Presbyterian chaplain for a gaol in which there were only seven Presbyterian prisoners. Now, he (Mr. A. M'Arthur) could not help regarding that as altogether wrong, and a downright misappropriation of public money. In out-of-the-way places, where there were not ministers of all denominations, there might be some excuse for appointments of the kind; but in localities where there were numerous clergymen and ministers, and comparatively few prisoners, he thought it would not be unreasonable to expect that such ministers should have sufficient Christian zeal and charity to induce them to attend to the religious instruction of prisoners belonging to the Church with which they were connected without any pecuniary reward. He also believed that the adoption of such a policy would have a much better effect upon prisoners and convicts themselves; for when they felt that men were giving them religious instruction and advice in a professional way, and merely because they were paid for doing the work, the effect upon the minds of prisoners was not likely to be so salutary and beneficial as if they felt that ministers belonging to their own Church were, from a sense of duty and out of pure love to them, endeavouring to promote their best interests by giving them religious instruction gratuitously. Such instruction was highly valuable

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MR. PARNELL explained that, although he had spoken against the Amendment of the hon. Member for Cavan (Mr. Biggar), he had voted for it, because the Government had not accepted what he (Mr. Parnell) considered to be a fair compromise, when he suggested that the salaries of the persons in question should be equalized all round.

MR. BIGGAR was not disposed to contest one of the items of the Vote. He was of opinion that a woman was quite as competent as a man for the purposes of religious instruction; but it seemed that the sum charged for salary to these female readers—namely, £100 each, was most extravagant; and as he thought that the services of one teacher only were sufficient, he begged leave to move the reduction of the Vote by the amount of £100, the amount of the salary of the teacher whose services he considered to be in excess of the requirements of the prison.

Motion made, and Question proposed,

"That the Item of £200 for the Salaries of Female Scripture Readers in Perth Prison be reduced by £100."—(Mr. Biggar.)

MR. SULLIVAN hoped the hon. Member for Cavan (Mr. Biggar) would allow the Vote to pass, and in recommending that, he took the opportunity of expressing the high respect which he entertained for his motives; but he could not help thinking that it was through a misconception that Irish

Representatives spoke upon questions like the present. He did not believe that the people of Ireland wanted any information as to the duties of female Scripture readers, whom they knew to be persons ministering to the spiritual wants and necessities of immoral females; and if the prisoners really had the benefit of the services of such functionaries, he could only say that he should be very sorry for the office to be done away with. He repeated his belief in the excellency of the motives of his hon. Friend, but appealed to him not to delay the passing of the Vote by a proposal that would be greatly misconceived out-of-doors.

MR. BIGGAR, after the appeal of his hon. and learned Friend, was not disposed to take a Division.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £65,521, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, of Criminal Prosecutions and other Law Charges in Ireland, including certain Allowances under the Act 15 and 16 Vic. c. 83."

MR. PARNELL thought the hon. Baronet (Sir Henry Selwin-Ibbetson) would recollect that the bringing on of these Irish Votes upon that occasion was in violation of a promise given by him shortly before the Whitsuntide Recess. The promise was given in reply to a Question as to the course of Business, made at the commencement of the Sitting, when the hon. Baronet stated that no Irish Votes should be brought on until the second Estimate night after Whitsuntide. [Sir HENRY SELWIN-IBBETSON dissented.] The Secretary to the Treasury shook his head; but the was the distinct recollection of him and of many Irish Members; and, over, he noticed that the hon. prepared for Galway (Mr. Mitchell H. e Treasury took a very strong interest in the Irish Votes, was not at some hon. thought the practice was under a one, to put off the Vote. Accordingly, in time, in order to suit the hon. Gentleman Members; but that the Votes at all. His ferent thing to put as that that would course; for then they

and bringing them forward before the time agreed upon. Perhaps the Secretary to the Treasury would state how many of the Irish Votes he proposed to take that evening; because many Irish Members, in consequence of what he contended was the promise of the hon. Baronet not to bring on the Votes until the second Estimate night, were not prepared to discuss them to the extent which they considered to be necessary. He, therefore, begged to move that the Chairman do now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

SIR HENRY SELWIN-IBBETSON distinctly denied that he had given the promise referred to by the hon. Member, to defer the consideration of the Irish Votes until the second Estimate night after the Whitsuntide Recess. It would be in the recollection of the Committee, who, he believed, would bear him out, that he had never given any such promise. What he had said to the hon. Member for Galway (Mr. Mitchell Henry), who had, on more than one occasion, asked him to postpone certain Votes in which he took a special interest, was that he would not bring on those Votes until Irish Members were present in sufficient number to discuss them. But he had told the hon. Member for Galway, on that occasion, that he would take the Law Votes for Ireland on the night before the House rose for the Recess, or as soon as possible thereafter. Although he had given no pledge, if hon. Members had been misled by anything he had said, and were willing to go on with the other Classes down upon the Paper, he had no wish to force the Irish Law Votes upon their attention.

MR. CALLAN asked if the promise to postpone the Votes referred to by the hon. Baronet was made in the House or way, course of private conversation? for don't you know, SIR HENRY SELWIN-IBBETSON: In the minds of hon. Members, [We were so saluted by the hon. Member for Galway, that minister, to be told that Irish Church were, to be bound by private out of pure love, to be bound by private to promote their religious interests.] The hon. Member for Galway (Mr. Callan) had the honour to give such instruction to the hon. Baronet, in his something to this

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effect, that—"As soon as he had reason to know that Irish Members were present in sufficient numbers, he would endeavour to bring on the Votes in which they were interested." The hon. Member for Meath (Mr. Parnell) was under the same impression as himself (Mr. Callan), that a pledge was given, or implied, that the Irish Votes should not be taken on the first night of the Estimates. He considered it to be absolutely essential that the Vote should be postponed, inasmuch as it was composed of several large items, of which no explanation whatever was afforded in the Estimates for the information of the Committee.

SIR HENRY SELWIN-IBBETSON, with the permission of the Committee, would recall what had really taken place with reference to the Irish Votes. Some hon. Members for Ireland raised the question as to whether the Irish Votes should not be postponed a second time—to such time as they could be fairly discussed? And, in answer to that, he had made use of the words just read by the hon. Member for Dundalk (Mr. Callan). He had also said that he would take care, as soon as hon. Members could attend, to bring on the Votes for the Queen's College and University in Ireland. Such was the purport of his speech just before the House broke up for the Recess. As he had already stated, he had no wish to force the Vote upon the Committee that evening upon a mere misunderstanding; but he trusted the Committee would allow the other Votes to be taken.

MR. CALLAN said, they might take Votes 24, 27, 28, and 29, as to which no question arose.

MR. PARNELL thought they must except Vote 28, as to which there would be some discussion. These Law charges, also, were a most important Vote, and would take a long time. But the others might be allowed to pass, as the hon. Baronet wished it, and that would meet the convenience of everybody. Of course, when he referred to an understanding, he knew nothing of a private conversation with the hon. Member for Galway.

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON) said, not a single item in these Law charges had been altered or objected to for many years; but if the hon. Members wished to raise a discussion the Vote could be

postponed, only he did not see what possible questions could be urged.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(7.) £28,888, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.

(8.) £8,387, to complete the sum for Probate, &c. Registries, Ireland.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £7,574, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and the incidental Expenses of the Court of Bankruptcy in Ireland."

MR. O'DONNELL said, there was a strong objection to this Vote.

SIR HENRY SELWIN-IBBETSON said, really hon. Members must make up their minds as to what they thought. Hon. Members proposed that they should take Votes 24, 27, 28, and 29, and since then Vote 28 had been objected to. Now, here was another objection. It seemed, if they were to proceed at all, that they were only to proceed at the suggestion of hon. Members opposite. He did not wish to be misrepresented. He denied having ever said any such thing; but if he had been represented as saying that he would not take certain Votes till the second day after Whitsuntide, then he would not proceed with the opposed Votes. But there were certain Votes to which they had been told there was no objection, and those he must ask the Committee to pass.

MR. CALLAN said, the Votes he mentioned were 24, 27, 28, and 29, and since then an objection had been taken to 28. He did not name 25, for it was one to which he entertained the strongest objection.

MR. J. LOWTHER said, the Vote now under discussion was No. 28. Did anybody object to that?

MR. CALLAN replied that he did not.

MR. PARNELL said, this Vote was included amongst those suggested by the hon. Member for Dundalk (Mr. OaHan); but the Committee would recollect that he (Mr. Parnell) immediately expressed his objection to it.

MR. NEWDEGATE remarked, that he began to question who was in charge of the Estimates. Of course, if it was a question of postponing one or two Votes in pursuance of some pledge, they expected that courtesy from Her Majesty's Government; but here was now a list of some seven Votes, with no reason for the postponement of any of them; and he would suggest to Her Majesty's Government, while they were thus considering the views of the few hon. Gentlemen who arrogated to themselves the representation of Ireland that the majority of the House had a right to expect from them the maintenance of such a continuity of Business as would enable Members generally to form some idea of what Business there was to be transacted.

MR. SULLIVAN said, if the hon. Member opposite (Mr. Newdegate) desired to have Business transacted, he would be less severe in his tones to the Treasury Bench, especially when it manifested the courteous and conciliatory disposition which it had been shown that night. [*Laughter.*] Hon. Gentlemen might laugh at that statement, and they no doubt desired scenes, which he and his hon. Friends desired to avoid. But the House would find out that the way to facilitate Business was to show the courteous spirit shown by the Secretary to the Treasury. The impression made by his conduct, and the generous spirit in which he had taken care, and more than care, that what he was represented to have said was carried out, would certainly tend to facilitate Business. The hon. Gentleman, if he desired that also, would do well to be less stern.

MR. NEWDEGATE replied, that a minority could not be allowed to command. He had seen the minority treated with very great forbearance; but there were limits to that forbearance, and if those limits were transgressed it became impossible for the great body of the House to do its duty.

MR. RYLANDS was quite prepared to support the Secretary to the Treasury in his impression of what he had said; but the fact remained that some hon. Gentlemen from Ireland were under a different impression. Accordingly, in the fairest way, the hon. Gentleman offered not to take the Votes at all. His own impression was that that would have been the best course; for then they

was disposed to do so. He begged, however, to say that he had not the slightest sympathy with the sentiments expressed by the hon. Member respecting Scripture readers. On the contrary, he believed that they were generally very good, excellent, and useful men; he had, therefore, no objection to them on the grounds mentioned by the hon. Member. But he believed there was a disposition manifested by certain hon. Members of the House to unnecessarily increase the number of chaplains and paid officials; and, with regard to the present case, he certainly thought that a Presbyterian chaplain, a Church of England clergyman, and a Roman Catholic priest, if they discharged their duties properly, should be quite sufficient to give religious instruction to the prisoners in one gaol. His hon. and learned Friend the Member for Louth (Mr. Sullivan) had stated, a few evenings ago, when advocating an increase of Roman Catholic chaplains, that he had on one occasion voted in favour of a Presbyterian chaplain for a gaol in which there were only seven Presbyterian prisoners. Now, he (Mr. A. M'Arthur) could not help regarding that as altogether wrong, and a downright misappropriation of public money. In out-of-the-way places, where there were not ministers of all denominations, there might be some excuse for appointments of the kind; but in localities where there were numerous clergymen and ministers, and comparatively few prisoners, he thought it would not be unreasonable to expect that such ministers should have sufficient Christian zeal and charity to induce them to attend to the religious instruction of prisoners belonging to the Church with which they were connected without any pecuniary reward. He also believed that the adoption of such a policy would have a much better effect upon prisoners and convicts themselves; for when they felt that men were giving them religious instruction and advice in a professional way, and merely because they were paid for doing the work, the effect upon the minds of prisoners was not likely to be so salutary and beneficial as if they felt that ministers belonging to their own Church were, from a sense of duty and out of pure love to them, endeavouring to promote their best interests by giving them religious instruction gratuitously. Such instruction was highly valuable

Mr. A. M'Arthur

and necessary; but he again stated that there appeared to be a desire on the part of certain hon. Members to unnecessarily increase the number of chaplains and paid officials. He protested against that as a waste of public money, and he thought hon. Members on both sides of the House should give the subject their careful consideration and attention.

MR. SULLIVAN did not think that the economical mind of the hon. Member for Leicester (Mr. A. M'Arthur) should be vexed by the expenditure under this Vote. The objection raised to the Vote could not be supported on the broad ground of principle, because the doctrine which would have to be enunciated was that the ministers of religion should have to live upon air. Even Scripture readers and ministers of religion had to pay their butchers and bakers. And if the Government did not pay the ministers of religion, who was to do so? Some one must pay them. The moment the Government put themselves into a position of authority, either with regard to paupers or prisoners, they were bound to pay for their support, their medical treatment, and their religious wants. Upon what doctrine could the hon. Member for Leicester support his argument that the ministers of religion were not to be paid? He was surprised, on this occasion, to find a conjunction of Leicester and Cavan in the objection to this Vote. It seemed to him that if a Presbyterian required the services of a Scripture reader he was entitled to have them. He took the broad view that if a man were put into prison, where reformation and amendment, rather than torture and vengeance, were to be the guiding principles, the influences of religion should be brought to bear upon that man even more strongly than when he was out-of-doors. The more complete and full the influences of religion upon a man were, so would his amendment be the stronger and more sincere.

MR. BIGGAR observed, that the hon. and learned Member for Louth (Mr. Sullivan) seemed to think that he was attacking religion. He begged to say that that was not the case; he thought it was very desirable that prisoners should have religious teaching, but he thought that all religious teaching should be given by authorized ministers of religion. He did not believe in irresponsible teachers,

and it was for that reason he should take a Division upon the Vote.

Question put.

The Committee *divided*:—Ayes 4; Noes 152: Majority 148.—(Div. List, No. 112.)

Original Question again proposed.

Mr. CALLAN, observing that the sum of £200 was charged as salaries for "female Scripture readers," asked for a definition of the term, and also for information with regard to the item for a teacher of music to the female convicts.

SIR HENRY SELWIN-IBBETSON could hardly conceive that any explanation of the term "female Scripture reader" could be necessary. With regard to the teacher of music, the object of employing that person was to enable the prisoners to sing in chapel.

Mr. PARNELL explained that, although he had spoken against the Amendment of the hon. Member for Cavan (Mr. Biggar), he had voted for it, because the Government had not accepted what he (Mr. Parnell) considered to be a fair compromise, when he suggested that the salaries of the persons in question should be equalized all round.

Mr. BIGGAR was not disposed to contest one of the items of the Vote. He was of opinion that a woman was quite as competent as a man for the purposes of religious instruction; but it seemed that the sum charged for salary to these female readers—namely, £100 each, was most extravagant; and as he thought that the services of one teacher only were sufficient, he begged leave to move the reduction of the Vote by the amount of £100, the amount of the salary of the teacher whose services he considered to be in excess of the requirements of the prison.

Motion made, and Question proposed,

"That the Item of £200 for the Salaries of Female Scripture Readers in Perth Prison be reduced by £100."—(Mr. Biggar.)

Mr. SULLIVAN hoped the hon. Member for Cavan (Mr. Biggar) would allow the Vote to pass, and in recommending that, he took the opportunity of expressing the high respect which he entertained for his motives; but he could not help thinking that it was through a misconception that Irish

Representatives spoke upon questions like the present. He did not believe that the people of Ireland wanted any information as to the duties of female Scripture readers, whom they knew to be persons ministering to the spiritual wants and necessities of immoral females; and if the prisoners really had the benefit of the services of such functionaries, he could only say that he should be very sorry for the office to be done away with. He repeated his belief in the excellency of the motives of his hon. Friend, but appealed to him not to delay the passing of the Vote by a proposal that would be greatly misconceived out-of-doors.

Mr. BIGGAR, after the appeal of his hon. and learned Friend, was not disposed to take a Division.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £65,521, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, of Criminal Prosecutions and other Law Charges in Ireland, including certain Allowances under the Act 15 and 16 Vic. c. 83."

Mr. PARNELL thought the hon. Baronet (Sir Henry Selwin-Ibbetson) would recollect that the bringing on of these Irish Votes upon that occasion was in violation of a promise given by him shortly before the Whitsuntide Recess. The promise was given in reply to a Question as to the course of Business, made at the commencement of the Sitting, when the hon. Baronet stated that no Irish Votes should be brought on until the second Estimate night after Whitsuntide. [Sir HENRY SELWIN-IBBETSON dissented.] The Secretary to the Treasury shook his head; but that was the distinct recollection of himself, and of many Irish Members; and, moreover, he noticed that the hon. Member for Galway (Mr. Mitchell Henry), who took a very strong interest in many of the Irish Votes, was not present. He thought the practice was a most vicious one, to put off the Votes from time to time, in order to suit the convenience of Members; but that was an entirely different thing to putting off the Votes,

and bringing them forward before the time agreed upon. Perhaps the Secretary to the Treasury would state how many of the Irish Votes he proposed to take that evening; because many Irish Members, in consequence of what he contended was the promise of the hon. Baronet not to bring on the Votes until the second Estimate night, were not prepared to discuss them to the extent which they considered to be necessary. He, therefore, begged to move that the Chairman do now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

SIR HENRY SELWIN-IBBETSON distinctly denied that he had given the promise referred to by the hon. Member, to defer the consideration of the Irish Votes until the second Estimate night after the Whitsuntide Recess. It would be in the recollection of the Committee, who, he believed, would bear him out, that he had never given any such promise. What he had said to the hon. Member for Galway (Mr. Mitchell Henry), who had, on more than one occasion, asked him to postpone certain Votes in which he took a special interest, was that he would not bring on those Votes until Irish Members were present in sufficient number to discuss them. But he had told the hon. Member for Galway, on that occasion, that he would take the Law Votes for Ireland on the night before the House rose for the Recess, or as soon as possible thereafter. Although he had given no pledge, if hon. Members had been misled by anything he had said, and were willing to go on with the other Classes down upon the Paper, he had no wish to force the Irish Law Votes upon their attention.

MR. CALLAN asked if the promise to postpone the Votes referred to by the hon. Baronet was made in the House or in the course of private conversation? [SIR HENRY SELWIN-IBBETSON: In the course of private conversation.] Were the Committee to be told that Irish Members were to be bound by private conversations? The hon. Member for Galway was not the Leader of the Party to which he (Mr. Callan) had the honour to belong. The hon. Baronet, in his reply, had stated something to this

effect, that—"As soon as he had reason to know that Irish Members were present in sufficient numbers, he would endeavour to bring on the Votes in which they were interested." The hon. Member for Meath (Mr. Parnell) was under the same impression as himself (Mr. Callan), that a pledge was given, or implied, that the Irish Votes should not be taken on the first night of the Estimates. He considered it to be absolutely essential that the Vote should be postponed, inasmuch as it was composed of several large items, of which no explanation whatever was afforded in the Estimates for the information of the Committee.

SIR HENRY SELWIN-IBBETSON, with the permission of the Committee, would recall what had really taken place with reference to the Irish Votes. Some hon. Members for Ireland raised the question as to whether the Irish Votes should not be postponed a second time—to such time as they could be fairly discussed? And, in answer to that, he had made use of the words just read by the hon. Member for Dundalk (Mr. Callan). He had also said that he would take care, as soon as hon. Members could attend, to bring on the Votes for the Queen's College and University in Ireland. Such was the purport of his speech just before the House broke up for the Recess. As he had already stated, he had no wish to force the Vote upon the Committee that evening upon a mere misunderstanding; but he trusted the Committee would allow the other Votes to be taken.

MR. CALLAN said, they might take Votes 24, 27, 28, and 29, as to which no question arose.

MR. PARNELL thought they must except Vote 28, as to which there would be some discussion. These Law charges, also, were a most important Vote, and would take a long time. But the others might be allowed to pass, as the hon. Baronet wished it, and that would meet the convenience of everybody. Of course, when he referred to an understanding, he knew nothing of a private conversation with the hon. Member for Galway.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, not a single item in these Law charges had been altered or objected to for many years; but if the hon. Members wished to raise a discussion the Vote could be

Mr. Parnell

postponed, only he did not see what possible questions could be urged.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(7.) £28,888, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.

(8.) £8,387, to complete the sum for Probate, &c. Registries, Ireland.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £7,574, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and the incidental Expenses of the Court of Bankruptcy in Ireland."

MR. O'DONNELL said, there was a strong objection to this Vote.

SIR HENRY SELWIN-IBBETSON said, really hon. Members must make up their minds as to what they thought. Hon. Members proposed that they should take Votes 24, 27, 28, and 29, and since then Vote 28 had been objected to. Now, here was another objection. It seemed, if they were to proceed at all, that they were only to proceed at the suggestion of hon. Members opposite. He did not wish to be misrepresented. He denied having ever said any such thing; but if he had been represented as saying that he would not take certain Votes till the second day after Whitsuntide, then he would not proceed with the opposed Votes. But there were certain Votes to which they had been told there was no objection, and those he must ask the Committee to pass.

MR. CALLAN said, the Votes he mentioned were 24, 27, 28, and 29, and since then an objection had been taken to 28. He did not name 25, for it was one to which he entertained the strongest objection.

MR. J. LOWTHER said, the Vote now under discussion was No. 28. Did anybody object to that?

MR. CALLAN replied that he did not.

MR. PARNELL said, this Vote was included amongst those suggested by the hon. Member for Dundalk (Mr. Callan); but the Committee would recollect that he (Mr. Parnell) immediately expressed his objection to it.

MR. NEWDEGATE remarked, that he began to question who was in charge of the Estimates. Of course, if it was a question of postponing one or two Votes in pursuance of some pledge, they expected that courtesy from Her Majesty's Government; but here was now a list of some seven Votes, with no reason for the postponement of any of them; and he would suggest to Her Majesty's Government, while they were thus considering the views of the few hon. Gentlemen who arrogated to themselves the representation of Ireland that the majority of the House had a right to expect from them the maintenance of such a continuity of Business as would enable Members generally to form some idea of what Business there was to be transacted.

MR. SULLIVAN said, if the hon. Member opposite (Mr. Newdegate) desired to have Business transacted, he would be less severe in his tones to the Treasury Bench, especially when it manifested the courteous and conciliatory disposition which it had been shown that night. [*Laughter.*] Hon. Gentlemen might laugh at that statement, and they no doubt desired scenes, which he and his hon. Friends desired to avoid. But the House would find out that the way to facilitate Business was to show the courteous spirit shown by the Secretary to the Treasury. The impression made by his conduct, and the generous spirit in which he had taken care, and more than care, that what he was represented to have said was carried out, would certainly tend to facilitate Business. The hon. Gentleman, if he desired that also, would do well to be less stern.

MR. NEWDEGATE replied, that a minority could not be allowed to command. He had seen the minority treated with very great forbearance; but there were limits to that forbearance, and if those limits were transgressed it became impossible for the great body of the House to do its duty.

MR. RYLANDS was quite prepared to support the Secretary to the Treasury in his impression of what he had said; but the fact remained that some hon. Gentlemen from Ireland were under a different impression. Accordingly, in the fairest way, the hon. Gentleman offered not to take the Votes at all. His own impression was that that would have been the best course; for then they

would have been saved something which looked like haggling—one hon. Gentleman objecting to one Vote and one to another. He would suggest to the Government that they should not proceed further with the Irish Votes that night, as it was quite clear there had been a misunderstanding. He would move that they should now report Progress, and take the Customs and Inland Revenue Bill.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Rylands.*)

SIR HENRY SELWIN-IBBETSON hoped the Committee would adhere to the original arrangement and take these four Votes before it passed to anything else, as he hoped to ask them to take certain other Votes with the view of advancing the Business of Supply.

MR. BIGGAR thought the hon. Baronet had exercised a wise discretion in entering into a compromise with certain Members on that side of the House, for there was plenty of opportunity to raise several questions on the Votes just agreed to, and he was disposed to have done so but for the compromise suggested. As to the Bankruptcy Vote, the Attorney General for Ireland must know that the Members for Belfast had a very decided opinion in favour of a Local Bankruptcy Bill, and he was sure they would be disappointed if this Vote should be passed in their absence. He knew, of course, that the present Bill could not pass this Session; but still the hon. Gentlemen who were not now present might feel a satisfaction in being able to speak on the subject.

THE ATTORNEY GENERAL FOR IRELAND (*Mr. Gibson*) said, the matter would be discussed on its merits, and he felt sure neither of those hon. Members would wish the Vote postponed on their account.

MR. ERRINGTON thought nothing could be fairer than the conduct of the Secretary to the Treasury; but certainly his own impression was shared by many other hon. Members, that no Irish Votes were to be taken that night. He thought that the best thing to be done now was to accept the suggestion of the hon. Member for Burnley (*Mr. Rylands*).

MR. J. LOWTHER explained, that the offer of the Secretary to the Treas-

Mr. Rylands

ury was to withdraw all Irish Votes except those which were practically unopposed. As to this particular Vote, he did not share the misgivings of the hon. Member for Cavan (*Mr. Biggar*), that certain hon. Gentlemen, not usually very prominent in opposing Votes, would take exception to this one; and as no hon. Member present took any exception to it, he hoped it would be allowed to pass.

MR. CALLAN hoped his hon. Friend (*Mr. Parnell*) would withdraw his opposition to this Vote. The Judges were very efficient officers, and he thought of all the Votes this was one to which the fewest objections applied.

MR. BIGGAR knew that the hon. Members for Belfast did desire a Local Bill; and as there was not the least chance of the Bankruptcy Bill becoming law this Session, he did think that those two hon. Gentlemen would be very pleased to have an opportunity of speaking on this subject.

MR. RAMSAY regretted the waste of time, the more that it had arisen from the extreme courtesy of the hon. Gentleman, and his desire to prevent complaints. He thought they might pass this Vote; because, though they had had half-an-hour's discussion, no one had anything to say against the Vote itself.

SIR JOSEPH M'KENNA said, the Vote was one to which no reasonable objection could be made; and he therefore hoped the Motion would be withdrawn, and the Vote allowed to pass.

MR. RYLANDS asked for leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. PARNELL said, there was a question of considerable importance involved in this Vote—the question of Local Bankruptcy Courts in Ireland. He was very anxious to discuss it; but he would give way in response to the appeals of his hon. Friends, and so was, practically, giving up his chance of discussing this matter in that Session; for though the Attorney General had a Bill on the Paper, he never got a day for his measures, so that it was not very likely to come on.

Original Question put, and *agreed to*.

(10.) £1,195, to complete the sum for the Admiralty Court Registry, Ireland.

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

(11.) Motion made, and Question proposed,

"That a sum, not exceeding £289,772, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Superannuation and Retired Allowances to Persons formerly employed in the Public Service, and for Compassionate or other Special Allowances and Gratuities awarded by the Commissioners of Her Majesty's Treasury."

MR. WHITWELL hoped the Secretary to the Treasury would not take so important a Vote at that hour, and moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Whitwell.)

SIR HENRY SELWIN-IBBETSON hoped the Committee would not agree to the Motion. Although the Vote was an important one, it was never discussed, for it was only carrying out the pledges given by the Government to its Civil servants, and he could not conceive the hon. Member could wish that to be diminished or altered.

MR. MONK said, the grounds of the Motion were not quite understood. They had been steadily progressing through Supply for the last seven hours, and now one of the most important measures of the Session was about to be brought into Committee—the Customs and Inland Revenue Bill. His hon. Friend (Sir Henry Selwin-Ibbetson) seemed to think, because that was a Money Bill, that it could be taken at any hour. He might, technically, be right; but he certainly could not think that was the proper way to discuss it. He was sure it would facilitate Business if they were now allowed to report Progress, and to take the Customs and Inland Revenue Bill.

MR. WHITWELL thought that this subject could not be properly discussed at that hour. It was not right to take a Vote of £500,000 on a subject of this kind at that time; by so doing, the Committee pledged itself to pay large amounts of superannuation to persons who would receive it for the first time. It was time

that the Committee should take into its serious consideration how far they should advance in the direction in which they were now going in this matter of superannuation. Although they might not be able to obtain any reduction in the Vote, yet he thought public attention should be drawn to this question of superannuation and allowances; and, as that could not be done at 12 o'clock at night, he should object to their proceeding further at that time.

Question put.

The Committee *divided*:—Ayes 30; Noes 120: Majority 90.—(Div. List, No. 113.)

MR. RYLANDS said, that as he now observed the Leader of the House in his place, he would appeal to him not to go any further at that hour. They had been sitting in Committee of Supply for many hours—ever since 5 o'clock. If the Customs and Inland Revenue Bill were to be taken at all to-night, it could not be taken later than the present time.

THE CHANCELLOR OF THE EXCHEQUER hoped that the Customs and Inland Revenue Bill would be taken that night. He was sorry they had not made so much progress in Committee as they might have done. However, after taking that one Vote, he proposed to report Progress, and to go on with the Customs and Inland Revenue Bill.

Original Question put, and *agreed to*.

House resumed.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

CUSTOMS AND INLAND REVENUE BILL.—[BILL 150.]

(Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.)

COMMITTEE. [*Progress 20th May.*]

Bill considered in Committee.

(In the Committee.)

PART I.—*Customs.*

Clauses 1 to 14, inclusive, *agreed to*.

PART II.—*Taxes.*

Clause 15 (Grant of duties of income tax.)

Motion made, and Question proposed, "That the Clause stand part of the Bill."

MR. COURTNEY observed, that he had understood the hon. and learned Gentleman the Attorney General to say recently, in answer to a question from an hon. Member, that any person who occupied agricultural land, and did not make a profit, could escape altogether payment of Income Tax. He could not see how that was reconcilable with this clause of the Bill, which was a repetition of the clause always inserted in the Income Tax Bills ever since the imposition of the tax. He wished to know whether the statement of the hon. and learned Gentleman was reconcilable with the clause? He should also like to be informed whether, if, as he had said, a farmer who did not make profit would escape being assessed for Income Tax altogether, he would, on the other hand, if he made additional profit, be bound to pay Income Tax upon more than the amount of half his rent? Could he, in such a case, be charged in addition to that rent? He should have thought that the principle of assessment was that the assessment of half the rent was to cover good and bad years alike, and was to be paid in all cases. If a farmer were not to be taken at his assessment of half his rent in England, and one-third in Scotland, when he made no profit, he thought some explanation should be given to the Committee of what happened when he made a large profit.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that the answer he had given on the former occasion was made by him from instructions he received. That answer he thought to be accurate. But if the hon. Member would allow him to consider the operation of this particular clause of the Bill, he should be happy to give him his opinion. As at present advised, he thought that his former answer was accurate—that if a farmer did not make any profit out of his farm he would, then, escape the payment of Income Tax. Still, it might be that the answer was not accurate; and he should like his hon. Friend to give him a short time to consider it, in connection with this Bill, before he pledged himself to the accuracy of the answer. If his hon. Friend would repeat the question, either in the course of that evening, or at some other time, after he had considered the matter, he should be happy to give him his opinion with regard to it.

MR. RYLANDS considered that the reply of the hon. and learned Attorney General had placed the Committee in a most extraordinary position. The mode of assessment in the case of farmers for every 20s. of the annual value of the occupation of the land implied that a farmer, however large his profit might be, should not be charged on any larger sum than that determined by the amount of his rent; and, on the other hand, if he made a loss, that he should not be charged less than the sum provided for by the Act; and, in this way, he had always understood the amount chargeable upon farmers to be fixed and permanent, inasmuch as, unlike the charge upon ordinary trade profits, it did not fluctuate. But in what position had the Committee been placed? The Government, through their mouthpiece, the most learned authority in the House, had told the Committee that the clause was not understood, and that with regard to its meaning no answer could then be given. In answer to the hon. Member for Liskeard (Mr. Courtney), the Attorney General had asked that the Committee would allow this matter to go forward, and had promised at some future time, perhaps in answer to a Question put upon the Paper, to give the result of his mature judgment upon the point raised by the hon. Member. But, by that time, he (Mr. Rylands) wished to point out that the Bill would be passed and the clause enacted. If it was to be understood that during periods the most flourishing for agriculture, when farmers might make incomes considerably over the amount represented by half their rental, they were not to pay any more than the amount chargeable by this mode of assessment, the adoption of such a principle was, in his opinion, grossly unfair to other classes of the Income Tax paying community. Unless the hon. and learned Gentleman could tell the Committee what was the meaning of the clause, he hoped the hon. Member for Liskeard would move to report Progress, in order that the Committee might not be placed in the position of passing a clause of the meaning of which they knew nothing.

MR. SAMPSON LLOYD said, as far as he remembered, the terms of the present Bill were precisely the same as those of the Acts hitherto in force; and he wished to point out that the difficulty

raised by the hon. Member for Liskeard (Mr. Courtney) had nothing to do with the question whether the Committee should proceed to pass the clause then under consideration in the usual way. The assessment under Schedule B was very much in the same position as that under Schedule D, by which a man assessed at more than his profits had a right to show, on appeal, that he had been over assessed. The Attorney General had expressed his opinion that a farmer had this right of appeal, and that the question was determinable by the Courts of Law. He (Mr. Sampson Lloyd) trusted that the clause would not meet with opposition, as all previous enactments had been in the same form as that now presented to the Committee.

MR. THOMSON HANKEY had always understood that the Schedule referred to by the hon. Member for Plymouth (Mr. Sampson Lloyd) was agreed to as a compromise in view of the exceeding difficulty of ascertaining the profits of a farmer in the same way as those of a mechanic. But the Attorney General had put the Committee into confusion, by saying that he did not understand the meaning of the clause; surely, therefore, it would be better to report Progress, in order to give the Government and the Attorney General time to consider what it really meant. He had no objection to the clause as previously understood; but if a new interpretation was to be put upon it, it should be made perfectly clear.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought that as the hon. Member for Liskeard (Mr. Courtney) had only called attention to the question as he was on the point of leaving the House, he might have been excused from expressing an opinion without some further consideration. But he begged to protest against the statement of the hon. Member for Peterborough (Mr. Thomson Hankey), that he had put the Committee in any difficulty with regard to this question; for if there existed any doubt as to the proper construction of the clause, it certainly was not he who had caused it. The question of the liability of farmers, under the circumstances indicated, would have to be considered by the Courts of Law; and all that was required of him, and all that could be expected of him, was to express an opinion as to what construction would

be placed upon the clause by those Courts. The whole question turned upon the meaning of the words "annual value of the occupation." Some hon. Members were of opinion that the annual value of the occupation of land was the amount of the rent; but to that conclusion he could not assent, because if he found sufficient evidence that the rent was not the annual value of the land, but that, on the contrary, the tenant had been making nothing by it for a considerable period, he should conclude that the rent was very much higher than the value of the occupation of the land, and that the tenant who made nothing out of it, or who made less than the rent, would not be liable to pay the tax. That view might not be a correct one, and the hon. Member for Liskeard (Mr. Courtney) might be able to satisfy him that it was not. What he had stated, in answer to the Question put, not the other day but some time ago, was that—"If a tenant did not make any profit out of his farm he could escape payment of the Income Tax," and to that opinion he still adhered.

MR. RAMSAY thought, whatever might be the result of the discussion, that the question involved, and the opinion given by the hon. and learned Attorney General, were of very great importance. Whatever might have been the law, the practice had always been to charge farmers in respect of the rent paid for the occupation of the land, and from that practice he had never known of any case of appeal. Now, if it were the intention of the Government, as he understood from the observations of the Attorney General, that farmers should, in future, have the right of appeal in cases where it was found that no profit had accrued from the land in their occupation, that right ought to be made so clear as not to admit of doubt. Upon these grounds, therefore, and for the purpose of enabling the Government to make such change in the terms of the clause as would provide that farmers either should or should not have the right of appeal against an assessment in respect of the rent which they paid, he thought that the Government should agree to report Progress. No doubt, the hon. and learned Attorney General was quite correct in his view of the law; but it was of great consequence that the question should be definitely

settled. He thought that those acquainted with the operation of the law in this country must be aware whether or not there had been any cases of appeal with regard to assessment on rental. As the case now stood, farmers had never within his knowledge been recognized by assessors of Income Tax as having any such right, and for that reason the law ought to be placed beyond all doubt.

MR. FAWCETT said, that the Government, and not the Attorney General, were held responsible in this matter. So far from being liable to blame, the Attorney General was entitled to the thanks of the Committee for pointing out the obscurity which existed in the wording of the clause, which certainly could not be interpreted by the Committee if it could not be interpreted by either the Government or the hon. and learned Gentleman. Without, on that occasion, attempting to express any opinion as to what ought to be the mode of assessing farmers for Income Tax—whether they should be treated in the same manner as ordinary traders, or be charged on half the rental of their land—the contention raised was simply that the law should be made clear, definite, and precise, so that it might not only be interpreted by the Attorney General or by the farmer in a certain way, but be understood by any ordinary man of business. When, therefore, the Attorney General rose in his place to say that he could not interpret this clause, and expressed the opinion that it would lead to litigation, he supplied an argument absolutely without answer in favour of reporting Progress, so as to give Her Majesty's Government the opportunity of bringing up a clause clear and intelligible, and which would embody their views upon the subject. The Committee ought to know—and the great agricultural interest ought to know—whether it was, or was not, the intention of the Government that the old rule should be rigidly kept—that farmers should be treated exceptionally, and that, unlike other traders, they should not pay Income Tax on their profits, but pay on a fixed proportion of their rents. If that was the intention of Her Majesty's Government, let it be so stated; and if, on the other hand, the Government intended to change the system which had been in operation ever since the Income Tax had been imposed, and to treat

farmers in future in the same way as other traders were treated; if, when a farmer should go to the Commissioners and say—"I have made no profit; you must not charge me with any Income Tax," the Commissioners were to have power to say—"You have made profits, and we shall charge you upon an amount equal to the rent, or more than the rent," the Government should state that also clearly and explicitly, and embody the principle in the Bill in such a manner as would render misunderstanding impossible. The Attorney General, he trusted, would not suppose that the smallest blame was intended to be cast upon him; on the contrary, thanks were due for the manner in which he had come forward and frankly stated that he could not interpret the clause in the Bill introduced by the Government of which he was a Member. Under those circumstances, he (Mr. Fawcett) thought that no other course was open to the Committee but to further consider the matter; and, with that object in view, he begged to move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Fawcett.*)

MR. NEWDEGATE said, that the Income Tax was assessed by the Legislature on land in occupation in respect of the rent at the rate of half the rent, for the reason that land was an instrument, and it was thought unfair to tax an instrument of trade twice over—that was to say, first in respect of its possession, and again in respect of its occupation. It was admitted that the tenant farmer derived additional profit from the employment of capital, and it was thought that the capital ought to be assessed; but, inasmuch as the land already paid under Schedule A, and the capital belonged partly to the landlord and partly to the tenant, a compromise was effected, and the tenant was assessed at half the amount of the rent. Assuming that the Government intended to abide by the principle of assessment, which he had endeavoured to describe—and he should be surprised to learn that they proposed to place any additional burden upon landed property and the agricultural interest—he wished to ask, whether it was their intention to give the tenant

Mr. Ramsay

farmer the right of appeal against his assessment, and the right to prove, if he could, that he had made no profit?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I cannot help thinking there is some confusion in the minds of the Committee with regard to this clause. It is said that its meaning is not understood by the Government; but I do not think that is a fair description of the clause as it stands in the Bill. The clause is one for fixing for the current year the rate of the Income Tax which it is proposed to continue, and that rate is fixed in the terms which have been employed for a great number of years, very nearly in the same words as those used in 1842, when the tax was originally imposed. All that it does is to provide—

“That there shall be charged, collected, and paid for the year commencing on the *Sixth day of April One thousand eight hundred and seventy-nine*, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the Sixteenth and Seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)—

“For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of *twopence*:

“And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

“In England, the duty of *twopence halfpenny*.”

These words are intended to have, and, no doubt, they must have, the effect of continuing for the year the charge at these rates upon the descriptions of property named. Clause 16 provides that all provisions which were in force on the 5th of April last shall have full force and effect for another year from that time. There is no intention whatever by this Bill to make any change in the manner of raising the Income Tax upon Schedule B, or upon any other Schedule; and I cannot, therefore, understand why this Bill should be charged with anything like obscurity. Again, the question is raised as to what might be the effect of an appeal which might be made by an occupier of land, under Schedule B, against the assessment upon the principle on which he has always been assessed? But that is a question of a rather speculative character; and I am not aware that any such

case has arisen, or that any such appeal has been made; but if such a case should arise, no doubt, the appeal would be properly heard and determined according to the law which has existed since the year 1842. The Government have no intention whatever to put any construction upon the law other than that which has been placed upon it since the time when the tax was originally enforced; and, therefore, no charge of any kind will be placed upon the tenant farmer, under Schedule B, beyond such as has been enforced already. But the question may be raised upon the point now suggested, which, perhaps, never occurred before—that is to say, whether it might not be open to a tenant farmer, who was charged according to the practice hitherto prevailing, to raise the question whether he was rightly charged, and, perhaps, appeal, and say that he ought to be charged less because he had made no profit. But, in that case, either he would be able to support his appeal or he would not; if he could not, nothing need be said; but if he could, he would get the advantage of his appeal, and, of course, the Exchequer would be losers in that proportion. If we thought there was any probability of appeals being made which would entail loss upon the Exchequer, and if we thought that it was not the wish of Parliament that such loss should be entailed, it would, of course, be open to us to propose a clause to meet the imaginary case which I say has not arisen. We are quite prepared to allow the law, as far as the collection of taxes is concerned, to stand upon its present footing; nobody is damnified, and no occupier of land is in any way injured thereby, because the law will continue to be the same as it has always been, and the Government do not apprehend that they will suffer any loss. For these reasons, I think there is no case whatever, either for our adjourning or, for putting off the progress of the Bill. All we are asking the Committee to do now is that which has been done for 37 years—namely, to continue the Income Tax from year to year upon its original footing.

MR. COURTNEY observed, that the Attorney General gave an answer to the Question put to him on the former occasion without the least hesitation or doubt. He said, most certainly, that if a farmer,

was disposed to do so. He begged, however, to say that he had not the slightest sympathy with the sentiments expressed by the hon. Member respecting Scripture readers. On the contrary, he believed that they were generally very good, excellent, and useful men; he had, therefore, no objection to them on the grounds mentioned by the hon. Member. But he believed there was a disposition manifested by certain hon. Members of the House to unnecessarily increase the number of chaplains and paid officials; and, with regard to the present case, he certainly thought that a Presbyterian chaplain, a Church of England clergyman, and a Roman Catholic priest, if they discharged their duties properly, should be quite sufficient to give religious instruction to the prisoners in one gaol. His hon. and learned Friend the Member for Louth (Mr. Sullivan) had stated, a few evenings ago, when advocating an increase of Roman Catholic chaplains, that he had on one occasion voted in favour of a Presbyterian chaplain for a gaol in which there were only seven Presbyterian prisoners. Now, he (Mr. A. M'Arthur) could not help regarding that as altogether wrong, and a downright misappropriation of public money. In out-of-the-way places, where there were not ministers of all denominations, there might be some excuse for appointments of the kind; but in localities where there were numerous clergymen and ministers, and comparatively few prisoners, he thought it would not be unreasonable to expect that such ministers should have sufficient Christian zeal and charity to induce them to attend to the religious instruction of prisoners belonging to the Church with which they were connected without any pecuniary reward. He also believed that the adoption of such a policy would have a much better effect upon prisoners and convicts themselves; for when they felt that men were giving them religious instruction and advice in a professional way, and merely because they were paid for doing the work, the effect upon the minds of prisoners was not likely to be so salutary and beneficial as if they felt that ministers belonging to their own Church were, from a sense of duty and out of pure love to them, endeavouring to promote their best interests by giving them religious instruction gratuitously. Such instruction was highly valuable

Mr. A. M'Arthur

and necessary; but he again stated that there appeared to be a desire on the part of certain hon. Members to unnecessarily increase the number of chaplains and paid officials. He protested against that as a waste of public money, and he thought hon. Members on both sides of the House should give the subject their careful consideration and attention.

Mr. SULLIVAN did not think that the economical mind of the hon. Member for Leicester (Mr. A. M'Arthur) should be vexed by the expenditure under this Vote. The objection raised to the Vote could not be supported on the broad ground of principle, because the doctrine which would have to be enunciated was that the ministers of religion should have to live upon air. Even Scripture readers and ministers of religion had to pay their butchers and bakers. And if the Government did not pay the ministers of religion, who was to do so? Some one must pay them. The moment the Government put themselves into a position of authority, either with regard to paupers or prisoners, they were bound to pay for their support, their medical treatment, and their religious wants. Upon what doctrine could the hon. Member for Leicester support his argument that the ministers of religion were not to be paid? He was surprised, on this occasion, to find a conjunction of Leicester and Cavan in the objection to this Vote. It seemed to him that if a Presbyterian required the services of a Scripture reader he was entitled to have them. He took the broad view that if a man were put into prison, where reformation and amendment, rather than torture and vengeance, were to be the guiding principles, the influences of religion should be brought to bear upon that man even more strongly than when he was out-of-doors. The more complete and full the influences of religion upon a man were, so would his amendment be the stronger and more sincere.

Mr. BIGGAR observed, that the hon. and learned Member for Louth (Mr. Sullivan) seemed to think that he was attacking religion. He begged to say that that was not the case; he thought it was very desirable that prisoners should have religious teaching, but he thought that all religious teaching should be given by authorized ministers of religion. He did not believe in irresponsible teachers,

and it was for that reason he should take a Division upon the Vote.

Question put.

The Committee *divided*:—Ayes 4; Noes 152: Majority 148.—(Div. List, No. 112.)

Original Question again proposed.

MR. CALLAN, observing that the sum of £200 was charged as salaries for "female Scripture readers," asked for a definition of the term, and also for information with regard to the item for a teacher of music to the female convicts.

SIR HENRY SELWIN-IBBETSON could hardly conceive that any explanation of the term "female Scripture reader" could be necessary. With regard to the teacher of music, the object of employing that person was to enable the prisoners to sing in chapel.

MR. PARNELL explained that, although he had spoken against the Amendment of the hon. Member for Cavan (Mr. Biggar), he had voted for it, because the Government had not accepted what he (Mr. Parnell) considered to be a fair compromise, when he suggested that the salaries of the persons in question should be equalized all round.

MR. BIGGAR was not disposed to contest one of the items of the Vote. He was of opinion that a woman was quite as competent as a man for the purposes of religious instruction; but it seemed that the sum charged for salary to these female readers—namely, £100 each, was most extravagant; and as he thought that the services of one teacher only were sufficient, he begged leave to move the reduction of the Vote by the amount of £100, the amount of the salary of the teacher whose services he considered to be in excess of the requirements of the prison.

Motion made, and Question proposed,

"That the Item of £200 for the Salaries of Female Scripture Readers in Perth Prison be reduced by £100."—(Mr. Biggar.)

MR. SULLIVAN hoped the hon. Member for Cavan (Mr. Biggar) would allow the Vote to pass, and in recommending that, he took the opportunity of expressing the high respect which he entertained for his motives; but he could not help thinking that it was through a misconception that Irish

Representatives spoke upon questions like the present. He did not believe that the people of Ireland wanted any information as to the duties of female Scripture readers, whom they knew to be persons ministering to the spiritual wants and necessities of immoral females; and if the prisoners really had the benefit of the services of such functionaries, he could only say that he should be very sorry for the office to be done away with. He repeated his belief in the excellency of the motives of his hon. Friend, but appealed to him not to delay the passing of the Vote by a proposal that would be greatly misconceived out-of-doors.

MR. BIGGAR, after the appeal of his hon. and learned Friend, was not disposed to take a Division.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Motion made, and Question proposed,

"That a sum, not exceeding £65,521, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, of Criminal Prosecutions and other Law Charges in Ireland, including certain Allowances under the Act 15 and 16 Vic. c. 83."

MR. PARNELL thought the hon. Baronet (Sir Henry Selwin-Ibbetson) would recollect that the bringing on of these Irish Votes upon that occasion was in violation of a promise given by him shortly before the Whitsuntide Recess. The promise was given in reply to a Question as to the course of Business, made at the commencement of the Sitting, when the hon. Baronet stated that no Irish Votes should be brought on until the second Estimate night after Whitsuntide. [Sir HENRY SELWIN-IBBETSON dissented.] The Secretary to the Treasury shook his head; but that was the distinct recollection of himself, and of many Irish Members; and, moreover, he noticed that the hon. Member for Galway (Mr. Mitchell Henry), who took a very strong interest in many of the Irish Votes, was not present. He thought the practice was a most vicious one, to put off the Votes from time to time, in order to suit the convenience of Members; but that was an entirely different thing to putting off the Votes,

and bringing them forward before the time agreed upon. Perhaps the Secretary to the Treasury would state how many of the Irish Votes he proposed to take that evening; because many Irish Members, in consequence of what he contended was the promise of the hon. Baronet not to bring on the Votes until the second Estimate night, were not prepared to discuss them to the extent which they considered to be necessary. He, therefore, begged to move that the Chairman do now report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Parnell.)*

SIR HENRY SELWIN-IBBETSON distinctly denied that he had given the promise referred to by the hon. Member, to defer the consideration of the Irish Votes until the second Estimate night after the Whitsuntide Recess. It would be in the recollection of the Committee, who, he believed, would bear him out, that he had never given any such promise. What he had said to the hon. Member for Galway (Mr. Mitchell Henry), who had, on more than one occasion, asked him to postpone certain Votes in which he took a special interest, was that he would not bring on those Votes until Irish Members were present in sufficient number to discuss them. But he had told the hon. Member for Galway, on that occasion, that he would take the Law Votes for Ireland on the night before the House rose for the Recess, or as soon as possible thereafter. Although he had given no pledge, if hon. Members had been misled by anything he had said, and were willing to go on with the other Classes down upon the Paper, he had no wish to force the Irish Law Votes upon their attention.

Mr. CALLAN asked if the promise to postpone the Votes referred to by the hon. Baronet was made in the House or in the course of private conversation? [SIR HENRY SELWIN-IBBETSON: In the course of private conversation.] Were the Committee to be told that Irish Members were to be bound by private conversations? The hon. Member for Galway was not the Leader of the Party to which he (Mr. Callan) had the honour to belong. The hon. Baronet, in his reply, had stated something to this

Mr. Parnell

effect, that—"As soon as he had reason to know that Irish Members were present in sufficient numbers, he would endeavour to bring on the Votes in which they were interested." The hon. Member for Meath (Mr. Parnell) was under the same impression as himself (Mr. Callan), that a pledge was given, or implied, that the Irish Votes should not be taken on the first night of the Estimates. He considered it to be absolutely essential that the Vote should be postponed, inasmuch as it was composed of several large items, of which no explanation whatever was afforded in the Estimates for the information of the Committee.

SIR HENRY SELWIN-IBBETSON, with the permission of the Committee, would recall what had really taken place with reference to the Irish Votes. Some hon. Members for Ireland raised the question as to whether the Irish Votes should not be postponed a second time—to such time as they could be fairly discussed? And, in answer to that, he had made use of the words just read by the hon. Member for Dundalk (Mr. Callan). He had also said that he would take care, as soon as hon. Members could attend, to bring on the Votes for the Queen's College and University in Ireland. Such was the purport of his speech just before the House broke up for the Recess. As he had already stated, he had no wish to force the Vote upon the Committee that evening upon a mere misunderstanding; but he trusted the Committee would allow the other Votes to be taken.

MR. CALLAN said, they might take Votes 24, 27, 28, and 29, as to which no question arose.

MR. PARNELL thought they must except Vote 28, as to which there would be some discussion. These Law charges, also, were a most important Vote, and would take a long time. But the others might be allowed to pass, as the hon. Baronet wished it, and that would meet the convenience of everybody. Of course, when he referred to an understanding, he knew nothing of a private conversation with the hon. Member for Galway.

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson) said, not a single item in these Law charges had been altered or objected to for many years; but if the hon. Members wished to raise a discussion the Vote could be

postponed, only he did not see what possible questions could be urged.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(7.) £28,888, to complete the sum for the Chancery Division of the High Court of Justice, &c. Ireland.

(8.) £8,387, to complete the sum for Probate, &c. Registries, Ireland.

(9.) Motion made, and Question proposed,

"That a sum, not exceeding £7,574, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for the Salaries and the incidental Expenses of the Court of Bankruptcy in Ireland."

MR. O'DONNELL said, there was a strong objection to this Vote.

SIR HENRY SELWIN-IBBETSON said, really hon. Members must make up their minds as to what they thought. Hon. Members proposed that they should take Votes 24, 27, 28, and 29, and since then Vote 28 had been objected to. Now, here was another objection. It seemed, if they were to proceed at all, that they were only to proceed at the suggestion of hon. Members opposite. He did not wish to be misrepresented. He denied having ever said any such thing; but if he had been represented as saying that he would not take certain Votes till the second day after Whitsuntide, then he would not proceed with the opposed Votes. But there were certain Votes to which they had been told there was no objection, and those he must ask the Committee to pass.

MR. CALLAN said, the Votes he mentioned were 24, 27, 28, and 29, and since then an objection had been taken to 28. He did not name 25, for it was one to which he entertained the strongest objection.

MR. J. LOWTHER said, the Vote now under discussion was No. 28. Did anybody object to that?

MR. CALLAN replied that he did not.

MR. PARNELL said, this Vote was included amongst those suggested by the hon. Member for Dundalk (Mr. Callan); but the Committee would recollect that he (Mr. Parnell) immediately expressed his objection to it.

MR. NEWDEGATE remarked, that he began to question who was in charge of the Estimates. Of course, if it was a question of postponing one or two Votes in pursuance of some pledge, they expected that courtesy from Her Majesty's Government; but here was now a list of some seven Votes, with no reason for the postponement of any of them; and he would suggest to Her Majesty's Government, while they were thus considering the views of the few hon. Gentlemen who arrogated to themselves the representation of Ireland that the majority of the House had a right to expect from them the maintenance of such a continuity of Business as would enable Members generally to form some idea of what Business there was to be transacted.

MR. SULLIVAN said, if the hon. Member opposite (Mr. Newdegate) desired to have Business transacted, he would be less severe in his tones to the Treasury Bench, especially when it manifested the courteous and conciliatory disposition which it had been shown that night. [*Laughter.*] Hon. Gentlemen might laugh at that statement, and they no doubt desired scenes, which he and his hon. Friends desired to avoid. But the House would find out that the way to facilitate Business was to show the courteous spirit shown by the Secretary to the Treasury. The impression made by his conduct, and the generous spirit in which he had taken care, and more than care, that what he was represented to have said was carried out, would certainly tend to facilitate Business. The hon. Gentleman, if he desired that also, would do well to be less stern.

MR. NEWDEGATE replied, that a minority could not be allowed to command. He had seen the minority treated with very great forbearance; but there were limits to that forbearance, and if those limits were transgressed it became impossible for the great body of the House to do its duty.

MR. RYLANDS was quite prepared to support the Secretary to the Treasury in his impression of what he had said; but the fact remained that some hon. Gentlemen from Ireland were under a different impression. Accordingly, in the fairest way, the hon. Gentleman offered not to take the Votes at all. His own impression was that that would have been the best course; for then they

would have been saved something which looked like haggling—one hon. Gentleman objecting to one Vote and one to another. He would suggest to the Government that they should not proceed further with the Irish Votes that night, as it was quite clear there had been a misunderstanding. He would move that they should now report Progress, and take the Customs and Inland Revenue Bill.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again." — (*Mr. Rylands.*)

SIR HENRY SELWIN-IBBETSON hoped the Committee would adhere to the original arrangement and take these four Votes before it passed to anything else, as he hoped to ask them to take certain other Votes with the view of advancing the Business of Supply.

MR. BIGGAR thought the hon. Baronet had exercised a wise discretion in entering into a compromise with certain Members on that side of the House, for there was plenty of opportunity to raise several questions on the Votes just agreed to, and he was disposed to have done so but for the compromise suggested. As to the Bankruptcy Vote, the Attorney General for Ireland must know that the Members for Belfast had a very decided opinion in favour of a Local Bankruptcy Bill, and he was sure they would be disappointed if this Vote should be passed in their absence. He knew, of course, that the present Bill could not pass this Session; but still the hon. Gentlemen who were not now present might feel a satisfaction in being able to speak on the subject.

THE ATTORNEY GENERAL FOR IRELAND (*Mr. Gibson*) said, the matter would be discussed on its merits, and he felt sure neither of those hon. Members would wish the Vote postponed on their account.

MR. ERRINGTON thought nothing could be fairer than the conduct of the Secretary to the Treasury; but certainly his own impression was shared by many other hon. Members, that no Irish Votes were to be taken that night. He thought that the best thing to be done now was to accept the suggestion of the hon. Member for Burnley (*Mr. Rylands*).

MR. J. LOWTHER explained, that the offer of the Secretary to the Treas-

ury was to withdraw all Irish Votes except those which were practically unopposed. As to this particular Vote, he did not share the misgivings of the hon. Member for Cavan (*Mr. Biggar*), that certain hon. Gentlemen, not usually very prominent in opposing Votes, would take exception to this one; and as no hon. Member present took any exception to it, he hoped it would be allowed to pass.

MR. CALLAN hoped his hon. Friend (*Mr. Parnell*) would withdraw his opposition to this Vote. The Judges were very efficient officers, and he thought of all the Votes this was one to which the fewest objections applied.

MR. BIGGAR knew that the hon. Members for Belfast did desire a Local Bill; and as there was not the least chance of the Bankruptcy Bill becoming law this Session, he did think that those two hon. Gentlemen would be very pleased to have an opportunity of speaking on this subject.

MR. RAMSAY regretted the waste of time, the more that it had arisen from the extreme courtesy of the hon. Gentleman, and his desire to prevent complaints. He thought they might pass this Vote; because, though they had had half-an-hour's discussion, no one had anything to say against the Vote itself.

SIR JOSEPH M'KENNA said, the Vote was one to which no reasonable objection could be made; and he therefore hoped the Motion would be withdrawn, and the Vote allowed to pass.

MR. RYLANDS asked for leave to withdraw his Motion.

Motion, by leave, *withdrawn*.

MR. PARNELL said, there was a question of considerable importance involved in this Vote—the question of Local Bankruptcy Courts in Ireland. He was very anxious to discuss it; but he would give way in response to the appeals of his hon. Friends, and so was, practically, giving up his chance of discussing this matter in that Session; for though the Attorney General had a Bill on the Paper, he never got a day for his measures, so that it was not very likely to come on.

Original Question put, and *agreed to*.

(10.) £1,195, to complete the sum for the Admiralty Court Registry, Ireland.

Mr. Rylands

CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES.

(11.) Motion made, and Question proposed,

"That a sum, not exceeding £289,772, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1880, for Superannuation and Retired Allowances to Persons formerly employed in the Public Service, and for Compassionate or other Special Allowances and Gratuities awarded by the Commissioners of Her Majesty's Treasury."

MR. WHITWELL hoped the Secretary to the Treasury would not take so important a Vote at that hour, and moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Whitwell.*)

SIR HENRY SELWIN-IBBETSON hoped the Committee would not agree to the Motion. Although the Vote was an important one, it was never discussed, for it was only carrying out the pledges given by the Government to its Civil servants, and he could not conceive the hon. Member could wish that to be diminished or altered.

MR. MONK said, the grounds of the Motion were not quite understood. They had been steadily progressing through Supply for the last seven hours, and now one of the most important measures of the Session was about to be brought into Committee—the Customs and Inland Revenue Bill. His hon. Friend (Sir Henry Selwin-Ibbetson) seemed to think, because that was a Money Bill, that it could be taken at any hour. He might, technically, be right; but he certainly could not think that was the proper way to discuss it. He was sure it would facilitate Business if they were now allowed to report Progress, and to take the Customs and Inland Revenue Bill.

MR. WHITWELL thought that this subject could not be properly discussed at that hour. It was not right to take a Vote of £500,000 on a subject of this kind at that time; by so doing, the Committee pledged itself to pay large amounts of superannuation to persons who would receive it for the first time. It was time

that the Committee should take into its serious consideration how far they should advance in the direction in which they were now going in this matter of superannuation. Although they might not be able to obtain any reduction in the Vote, yet he thought public attention should be drawn to this question of superannuation and allowances; and, as that could not be done at 12 o'clock at night, he should object to their proceeding further at that time.

Question put.

The Committee *divided*:—Ayes 30; Noes 120: Majority 90.—(Div. List, No. 113.)

MR. RYLANDS said, that as he now observed the Leader of the House in his place, he would appeal to him not to go any further at that hour. They had been sitting in Committee of Supply for many hours—ever since 5 o'clock. If the Customs and Inland Revenue Bill were to be taken at all to-night, it could not be taken later than the present time.

THE CHANCELLOR OF THE EXCHEQUER hoped that the Customs and Inland Revenue Bill would be taken that night. He was sorry they had not made so much progress in Committee as they might have done. However, after taking that one Vote, he proposed to report Progress, and to go on with the Customs and Inland Revenue Bill.

Original Question put, and *agreed to*.

House *resumed*.

Resolutions to be reported *To-morrow*, at Two of the clock;

Committee to sit again upon *Wednesday*.

CUSTOMS AND INLAND REVENUE BILL—[BILL 150.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.*)

COMMITTEE. [*Progress 20th May.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.—*Customs.*

Clauses 1 to 14, inclusive, *agreed to*.

PART II.—*Taxes.*

Clause 15 (Grant of duties of income tax.)

Motion made, and Question proposed, "That the Clause stand part of the Bill."

MR. COURTNEY observed, that he had understood the hon. and learned Gentleman the Attorney General to say recently, in answer to a question from an hon. Member, that any person who occupied agricultural land, and did not make a profit, could escape altogether payment of Income Tax. He could not see how that was reconcilable with this clause of the Bill, which was a repetition of the clause always inserted in the Income Tax Bills ever since the imposition of the tax. He wished to know whether the statement of the hon. and learned Gentleman was reconcilable with the clause? He should also like to be informed whether, if, as he had said, a farmer who did not make profit would escape being assessed for Income Tax altogether, he would, on the other hand, if he made additional profit, be bound to pay Income Tax upon more than the amount of half his rent? Could he, in such a case, be charged in addition to that rent? He should have thought that the principle of assessment was that the assessment of half the rent was to cover good and bad years alike, and was to be paid in all cases. If a farmer were not to be taken at his assessment of half his rent in England, and one-third in Scotland, when he made no profit, he thought some explanation should be given to the Committee of what happened when he made a large profit.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) said, that the answer he had given on the former occasion was made by him from instructions he received. That answer he thought to be accurate. But if the hon. Member would allow him to consider the operation of this particular clause of the Bill, he should be happy to give him his opinion. As at present advised, he thought that his former answer was accurate—that if a farmer did not make any profit out of his farm he would, then, escape the payment of Income Tax. Still, it might be that the answer was not accurate; and he should like his hon. Friend to give him a short time to consider it, in connection with this Bill, before he pledged himself to the accuracy of the answer. If his hon. Friend would repeat the question, either in the course of that evening, or at some other time, after he had considered the matter, he should be happy to give him his opinion with regard to it.

MR. RYLANDS considered that the reply of the hon. and learned Attorney General had placed the Committee in a most extraordinary position. The mode of assessment in the case of farmers for every 20s. of the annual value of the occupation of the land implied that a farmer, however large his profit might be, should not be charged on any larger sum than that determined by the amount of his rent; and, on the other hand, if he made a loss, that he should not be charged less than the sum provided for by the Act; and, in this way, he had always understood the amount chargeable upon farmers to be fixed and permanent, inasmuch as, unlike the charge upon ordinary trade profits, it did not fluctuate. But in what position had the Committee been placed? The Government, through their mouthpiece, the most learned authority in the House, had told the Committee that the clause was not understood, and that with regard to its meaning no answer could then be given. In answer to the hon. Member for Liskeard (Mr. Courtney), the Attorney General had asked that the Committee would allow this matter to go forward, and had promised at some future time, perhaps in answer to a Question put upon the Paper, to give the result of his mature judgment upon the point raised by the hon. Member. But, by that time, he (Mr. Rylands) wished to point out that the Bill would be passed and the clause enacted. If it was to be understood that during periods the most flourishing for agriculture, when farmers might make incomes considerably over the amount represented by half their rental, they were not to pay any more than the amount chargeable by this mode of assessment, the adoption of such a principle was, in his opinion, grossly unfair to other classes of the Income Tax paying community. Unless the hon. and learned Gentleman could tell the Committee what was the meaning of the clause, he hoped the hon. Member for Liskeard would move to report Progress, in order that the Committee might not be placed in the position of passing a clause of the meaning of which they knew nothing.

MR. SAMPSON LLOYD said, as far as he remembered, the terms of the present Bill were precisely the same as those of the Acts hitherto in force; and he wished to point out that the difficulty

raised by the hon. Member for Liskeard (Mr. Courtney) had nothing to do with the question whether the Committee should proceed to pass the clause then under consideration in the usual way. The assessment under Schedule B was very much in the same position as that under Schedule D, by which a man assessed at more than his profits had a right to show, on appeal, that he had been over assessed. The Attorney General had expressed his opinion that a farmer had this right of appeal, and that the question was determinable by the Courts of Law. He (Mr. Sampson Lloyd) trusted that the clause would not meet with opposition, as all previous enactments had been in the same form as that now presented to the Committee.

MR. THOMSON HANKEY had always understood that the Schedule referred to by the hon. Member for Plymouth (Mr. Sampson Lloyd) was agreed to as a compromise in view of the exceeding difficulty of ascertaining the profits of a farmer in the same way as those of a mechanic. But the Attorney General had put the Committee into confusion, by saying that he did not understand the meaning of the clause; surely, therefore, it would be better to report Progress, in order to give the Government and the Attorney General time to consider what it really meant. He had no objection to the clause as previously understood; but if a new interpretation was to be put upon it, it should be made perfectly clear.

THE ATTORNEY GENERAL (Sir JOHN HOLKER) thought that as the hon. Member for Liskeard (Mr. Courtney) had only called attention to the question as he was on the point of leaving the House, he might have been excused from expressing an opinion without some further consideration. But he begged to protest against the statement of the hon. Member for Peterborough (Mr. Thomson Hankey), that he had put the Committee in any difficulty with regard to this question; for if there existed any doubt as to the proper construction of the clause, it certainly was not he who had caused it. The question of the liability of farmers, under the circumstances indicated, would have to be considered by the Courts of Law; and all that was required of him, and all that could be expected of him, was to express an opinion as to what construction would

be placed upon the clause by those Courts. The whole question turned upon the meaning of the words "annual value of the occupation." Some hon. Members were of opinion that the annual value of the occupation of land was the amount of the rent; but to that conclusion he could not assent, because if he found sufficient evidence that the rent was not the annual value of the land, but that, on the contrary, the tenant had been making nothing by it for a considerable period, he should conclude that the rent was very much higher than the value of the occupation of the land, and that the tenant who made nothing out of it, or who made less than the rent, would not be liable to pay the tax. That view might not be a correct one, and the hon. Member for Liskeard (Mr. Courtney) might be able to satisfy him that it was not. What he had stated, in answer to the Question put, not the other day but some time ago, was that—"If a tenant did not make any profit out of his farm he could escape payment of the Income Tax," and to that opinion he still adhered.

MR. RAMSAY thought, whatever might be the result of the discussion, that the question involved, and the opinion given by the hon. and learned Attorney General, were of very great importance. Whatever might have been the law, the practice had always been to charge farmers in respect of the rent paid for the occupation of the land, and from that practice he had never known of any case of appeal. Now, if it were the intention of the Government, as he understood from the observations of the Attorney General, that farmers should, in future, have the right of appeal in cases where it was found that no profit had accrued from the land in their occupation, that right ought to be made so clear as not to admit of doubt. Upon these grounds, therefore, and for the purpose of enabling the Government to make such change in the terms of the clause as would provide that farmers either should or should not have the right of appeal against an assessment in respect of the rent which they paid, he thought that the Government should agree to report Progress. No doubt, the hon. and learned Attorney General was quite correct in his view of the law; but it was of great consequence that the question should be definitely

Improvement Provisional Orders Confirmation * [176]; Local Government Provisional Orders (Aspull, &c.) * [161].

Third Reading—Local Government Provisional Orders (Castleton by Rochdale, &c.) * [160]; Local Government (Ireland) Provisional Orders (Killarney, &c.) * [178]; Elementary Education Provisional Orders Confirmation (Brighton and Preston, &c.) * [177]; Elementary Education Provisional Orders Confirmation (London) * [176]; Local Government (Ireland) Provisional Orders Confirmation (Cashel, &c.) * [141]; Local Government (Ireland) Provisional Order Confirmation (Downpatrick) * [140]; Metropolis (Whitechapel and Limehouse) Improvement Scheme Amendment * [184]; Inclosure Provisional Order (Matterdale Common) * [171]; Inclosure Provisional Order (Redmoor and Golberdon Commons) * [172]; Inclosure Provisional Order (East Stainmore Common) * [174], and *passed*.

The House met at Two of the clock.

PRIVATE BUSINESS.

FELIXSTOWE RAILWAY AND PIER BILL [*Lords*] (by Order).

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,
“That the Bill be now read a second time.”

COLONEL JERVIS, in moving, as an Amendment, that the Bill be read a second time upon this day three months, said, he regretted that it was his duty to object to the second reading of the Bill. In 1874, a Bill was introduced for the construction of a railway from Ipswich to the sea coast on the east side. That Bill was not approved by Parliament, on the ground that it gave no accommodation whatever to the district through which it was proposed that the line should pass. In 1875, a fresh Bill was brought in, with a new plan; and a railway was to be made which was to give the fullest accommodation to the whole of the district. A number of witnesses were brought up from the County of Suffolk and from the town of Ipswich, including mayors and ex-mayors, solicitors, traders, and others, who gave evidence that the line, as then proposed, would give the fullest accommodation to the district; and on the strength of the evidence given before the Committee, Parliament approved of the Bill. But before the line was completed, it was disputed by an Inspector sent down from the Board of Trade, who found

that no stations were erected on the line; that the accommodation which was to be given to Ipswich was something more than a mile off from where it was to have been; and that the final station was in the middle of an agricultural district, a couple of miles out towards the sea. A deputation then waited upon the Board of Trade. The deputation consisted of the Members for the Eastern Division of Suffolk, the town of Ipswich, the hon. and learned Member for the County of Cambridge (Mr. Rodwell), who thoroughly knew the locality, various mayors and ex-mayors, of Ipswich; and, what was still more striking, it was accompanied by the country rectors of all the parishes, while no other inhabitants besides the rectors were asked to go with the deputation. The Board of Trade stated, in reply to the representations made to them, that they extremely regretted that they had not the power to interfere; that the Act was passed, and that their only power was to see that the line was constructed in a manner consistent with the safety of the public. Beyond that, they had no power whatever. It was also found that the Railway Commissioners had no power to interfere in the case; and, therefore, it was deemed advisable to wait until the Company came forward for additional powers, or to obtain fresh capital. The Company now came to Parliament for that purpose, and he must say that when a Company had taken such extreme liberty with the Forms of the House as to obtain an Act of Parliament under the plea of giving accommodation to the public, and then to prevent any accommodation being given to the district, it became his duty, for that and other reasons which it was not necessary now to enter into, to ask the House to inquire into the matter, and to interfere. He had brought the matter under the notice of the Board of Trade, and they had agreed to undertake, in the event of a clause being inserted in the Bill, to ascertain what stations were required and what accommodation ought to be given to the district. If the promoters of the Bill were willing to accept such a clause, and to allow the matter to be settled by the Board of Trade on behalf of the public, he would not further oppose the second reading of the Bill; but if they refused to accept such a clause, he should certainly divide the House

against the second reading of the Bill. He had felt it his duty to bring the circumstances of the case under the notice of the House. During the 20 years he had been a Member of the House he had never known a similar case. He had appealed to every official of the House, and to some of the most learned counsel who had been in the habit of practising at the Parliamentary Bar upstairs, and they all told him they never remembered a similar case—where a railway had been obtained under the pretence of benefiting the public, but where every attempt had been made to prevent the public from obtaining any accommodation whatever. He begged to move the Amendment of which he had given Notice.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Colonel Jervis.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. RODWELL said, he should like, as he had been interested in the question before, and as he had attended the deputation to which his hon. and gallant Friend (Colonel Jervis) had alluded to, to state that he entirely concurred in what his hon. and gallant Friend had stated. While he disclaimed any intention of throwing an obstacle in the way of the passing of the Bill, he thought, on public grounds, that this was a legitimate opportunity for the House of Commons to interpose, and to ask that the accommodation which was promised to the public should be given to them. It was a well-understood rule that when the promoters of a Bill came to Parliament for an extension of time, or for power to increase their capital, they brought the whole of their proceedings under the review of some tribunal. The only tribunal in this case was the House of Commons. The Board of Trade was powerless in the matter, and the Railway Commissioners were equally powerless. Up to the present stage, the promoters of the Bill had defied the public. They were now obliged to ask for fresh powers, and, without going further into details, he thought the House would do well to see that the Company now gave proper accommodation to the public. Nothing could be more reasonable or

more fair, and he could not conceive upon what ground the promoters of the Bill could decline to entertain the proposal of his hon. and gallant Friend, that the Board of Trade should be the parties to say what, in the interests of the public, was required. He understood that if the promoters assented to this course, his hon. and gallant Friend would withdraw the proposition he had made for the rejection of the Bill. He (Mr. Rodwell) took part in the matter simply upon public grounds. He was well acquainted with the locality, and he knew the line; and he thought it was a great scandal that the public did not possess the accommodation which they so well deserved, which was agreed to be given to them, and on the faith of which the Bill was originally granted.

MR. RAIKES said, the course which had been taken by the hon. and gallant Member for Harwich (Colonel Jervis) might form a sound and useful precedent, though he hoped that he would not persevere with his Motion to throw out the Bill. It should be well understood by all those who were interested in railway management that when a Company came to that House for an extension of the privileges and powers which Parliament had already granted to them, they must be prepared to submit their conduct generally to the review of Parliament, and to challenge any judgment which Parliament might think fit to exercise as to the way in which they had used their powers up to the present time. But he confessed that, with regard to this particular Bill, he thought the object which the hon. and gallant Member for Harwich, and his hon. and learned Friend the Member for Cambridgeshire (Mr. Rodwell), had at heart would be best accomplished by allowing the Bill to be read a second time, care being taken in Committee to consider the objections which had been raised. But none the less was it desirable that, where a Railway Company almost avowedly neglected the purposes for which it was created, exception at the proper time should be taken in Parliament against its proceedings. With regard to this particular railway, he understood that it went almost from nowhere to nowhere; that instead of starting from the town of Ipswich, which was a large and important town, and connecting it with the rising watering place of Felixstowe, it started from

a point somewhere about two miles from Ipswich on the main line; that it was there almost entirely unconnected with the train service on the main line; that it proceeded then, at its own sweet will, towards the common which had been graphically described by the hon. and gallant Member for Harwich, passing, at as great a distance as it conveniently could, the town which it proposed to connect with Ipswich—and, in fact, forfeiting all title to be considered a convenient or useful means of traffic for the locality. But more remained behind; for he understood that the Company declined to make any sufficient use of any intermediate stations on the line, and, therefore, they excluded the inhabitants of the district from the advantage which they might derive from the use of intermediate stations. At the present time, therefore, the railway did not answer the purposes for which Parliament originally granted its powers; and it appeared to him a proper course for a Committee to consider how far supervision should be exercised by the Board of Trade, or by the Railway Commissioners, or by any other sufficiently strong public body, to compel the Company to perform a duty which the public had certainly a right to expect at their hands. He thought that, under the circumstances of the case, the best course both for the locality and for the general public would be that the Bill should be read a second time. If the Amendment now before the House were withdrawn, he would undertake that the points to which his hon. and gallant Friend the Member for Harwich had called attention should be considered by the Committee appointed to inquire into the Bill, and he had no doubt they would see that Ipswich and its neighbourhood was dealt with in a manner as satisfactory as that tribunal could carry out. Of course, if his hon. and gallant Friend was afterwards not satisfied with the course taken by the Committee, he would still have a remedy by opposing the third reading of the Bill. In the meanwhile, he hoped the course taken would be such as to satisfy his hon. and gallant Friend, and those whom he represented, that substantial justice would be done to the locality interested.

COLONEL JERVIS said, that after what had fallen from the hon. Gentleman the Chairman of Committees, he

Mr. Raikes

begged leave to withdraw the Amendment.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed*.

QUESTIONS.

RAILWAYS—THE BOARD OF INLAND REVENUE—SEASON TICKETS.

QUESTION.

MR. W. H. JAMES asked Mr. Chancellor of the Exchequer, If inquiry has been made of the South Eastern Railway Company by the Board of Inland Revenue, as promised in the letter of their Under Secretary, Mr. Adam Young, in a letter dated 4th January, quoted in "The Times" of 9th January 1879, in which Mr. Young stated that he was desired by the Commissioners of Inland Revenue to inform his correspondent—

"That they did not know what was meant by the 'increased charges' of that Department, which were alleged to have rendered necessary the addition of the Government Duty to the rates for season tickets, but they thought it due to the Company that opportunity should be afforded them of explaining the meaning of the statement," and that "inquiry should be made accordingly;"

and, whether that inquiry has extended also to the London, Brighton, and South Coast Railway Company; and, in such case, what has been the result?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I find that the Board of Inland Revenue did make the inquiry referred to from the South-Eastern Railway Company, and that they received an explanation in reply, that the phrase "increased charges" was not intended to imply that any addition to the duty had been made, but merely that the duty demanded of it had increased in amount. No inquiry was made from the London, Brighton, and South Coast Railway Company, because it did not appear that that Company had alleged or implied that any increase of the duty had been made.

ITALY—THE ITALIAN POLICE.

QUESTION.

SIR EARDLEY WILMOT asked the Under Secretary of State for Foreign

Affairs, Whether the violence and arbitrary conduct of the Italian police towards British subjects in Italy has been checked or punished by the authorities there, since the warning circular issued by Lord Derby to intending travellers in Italy; and, if not, whether Her Majesty's Government will inform the public how the question now stands, by the publication of Correspondence on the subject between the two Governments, and especially by that relating to the wrongful imprisonment of William Mercer at Castellamare in 1873?

MR. BOURKE: Sir, since the occurrences happened, which called forth the recommendation of Lord Derby that all travellers in Italy should provide themselves with passports, no outrages of a serious kind have, to the knowledge of the Foreign Office, been committed by the Italian police, and no complaints of a serious nature have been furnished to Her Majesty's Government. Some minor complaints have been received, and the Italian Government have, upon representations being made to them, done all that could be expected of them in the matters in question. As to the Correspondence regarding Mercer's case, the House is aware that the Correspondence extended over a great number of years—from 1872 to 1876. I have myself answered many Questions on the subject, and I do not think that any public advantage would arise from the publication of that Correspondence. Therefore, it is not the intention of the Government to lay any Papers before the House with regard to Mercer's case.

THE CUSTOM HOUSE—SANITARY IMPROVEMENTS.—QUESTION.

MR. FAWCETT asked the Secretary to the Treasury, Whether he is aware that Sanitary improvements have not been carried out in the Tea and East India Department Offices in the Custom House; and, if so, whether he has ordered, or will order, that these improvements shall be carried out without further delay?

SIR HENRY SELWIN-IBBETSON, in reply, said, with regard to contemplated sanitary improvements in the Offices referred to by the hon. Gentleman, he found that, after the Treasury sanction was given, the Inspector from the Board of Works discovered that

larger improvements would be necessary to effect the object. A Report was placed in his hands last night, and he should lose no time in bringing the matter under the notice of the First Commissioner of Works, in order that the necessary sanitary improvements, which he admitted were necessary, might be made for the comfort, and, indeed, the health of the clerks. These improvements would be carried out as soon as the plans were decided upon.

CYPRUS—ADMINISTRATION OF THE ISLAND.—QUESTION.

SIR JULIAN GOLDSMID asked the Under Secretary of State for Foreign Affairs, Whether Sir Garnet Wolseley, before leaving England, resigned his office as Governor and High Commissioner of Cyprus; and, whether Colonel Biddulph has been appointed to succeed him?

MR. BOURKE: Yes, Sir; both parts of the Question of the hon. Baronet may be answered in the affirmative.

ARMY DISCIPLINE AND REGULATION BILL.—QUESTIONS.

MAJOR O'BEIRNE asked the Secretary of State for War, Whether, having regard to the fact that it is proposed to institute an inquiry by a Royal Commission or a War Office Committee into the whole state of the Army, it is the intention of the Government to proceed with the Army Discipline and Regulation Bill this Session?

COLONEL STANLEY: Yes, Sir; it is very much the intention of the Government to proceed with the Army Discipline and Regulation Bill this Session.

SIR HENRY HAVELOCK asked the Secretary of State for War, When he expects to be able to lay before the House the draft of the additions or adjuncts to the Army Discipline and Regulation Bill by which he proposes in the future to regulate Courts of Inquiry and to prevent the abuse of their being substituted for courts martial, which he promised on the 1st May last to bring forward at an early date?

COLONEL STANLEY: Sir, I hope to do so next week; my excuse for the delay is the pressure of other Business.

ARMY ORGANIZATION—THE DEPARTMENTAL COMMITTEE.—QUESTION.

MR. GOURLEY asked the Secretary of State for War, If he will be good enough to inform the House of the object and nature of the War Office inquiry about to be made with reference to our existing military organisation; and, whether it is intended that all branches of the Service (Regular and Auxiliary) are to be represented, or only those of the Regular Army, through officers who have hitherto failed to carry out in detail the objects intended to be accomplished under the *Depôt Centre* system? He should also like to know whether a Royal Commission or a Committee was to be appointed?

COLONEL STANLEY: Sir, I am afraid I should be obliged to go into a great deal of detail if I were to explain the whole object and nature of the War Office inquiry. Speaking generally, I may say that it is to ascertain all the points in the short-service and reserve system and the localization system requiring amendment, so as to make those systems work properly. With regard to the representation of the different branches of the Service, the Committee will consist wholly of officers serving in the Regular Force; but some of those officers are intimately acquainted with all the requirements of the auxiliary branches. I must demur, if I am allowed to do so, owing to the form of the Question, to the last part of it. I cannot accept that as a correct statement; but I may say that, as far as possible, I am endeavouring to obtain a Committee which shall be composed of officers wholly unconnected with the present administration of the Office. There are two officers who, owing to their positions, will be included in that inquiry who are in some degree connected with the Office; otherwise it will be a Committee composed from the outside. It will be a Committee, and not a Royal Commission.

PARLIAMENT — ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

In reply to Sir DAVID WEDDERBURN, THE CHANCELLOR OF THE EXCHEQUER said: Sir, it does not lie entirely with me as to when the East India Loan Bill shall be proceeded with; but I propose to arrange the Government Business for Thursday as follows:—We will first

take the adjourned debate on going into Committee upon the East India Revenue Accounts. I do not know the length to which the debate will run; but as soon as it has concluded, and when you, Sir, have left the Chair, the passing of a formal Resolution upon the accounts would not take any great length of time. Of course, it is possible that a discussion of some duration may arise, and then it may be necessary for my hon. Friend the Under Secretary to offer some observations. Then I would propose to put next the second reading of the East India Loan Bill (£5,000,000). Upon that I see there are two Notices of Amendments; and, of course, I cannot anticipate what length the discussion may run to. Next to that I would put the East India Loan (Consolidated Fund) Bill. To that there is an Amendment raising a different question, and we must be guided by circumstances and the convenience of the House as to how far we shall proceed. I should be glad to make progress in each Bill.

SOUTH AFRICA—THE ZULU WAR.

QUESTIONS.

SIR ROBERT PEEL: I wish, Sir, with the permission of the House, to ask a Question of Her Majesty's Government about the state of affairs in South Africa. We understood, before separating some little time ago, that the Government would be in a position to make some announcement, after the Whitsun Holidays, about the state of affairs in Zululand. We expected a statement of the information in their possession. I should like to ask what is the limit of the number of troops to be sent out to the Cape? It appears that during the last few days reinforcements to the number of 2,000 troops have been sent out to reinforce the Army of 26,000 or 27,000 already lining the Frontier of Natal, under the command of a General who has been superseded in the field before the enemy. It would be desirable to know what is the limitation to be put to the reinforcements; and I, therefore, wish to ask the Secretary of State for War, Whether it is intended to send out any more troops to that part of South Africa?

COLONEL STANLEY: Sir, I think it would be convenient if the right hon. Baronet had given me some Notice of

his Question. All I can say is this— with regard to the information in my possession, I have always taken the earliest opportunity of making it known to the public, who take a deep interest in this question, by means of the public Press. All the intelligence I possess was sent to the papers on Sunday night, and appeared in yesterday morning's papers. That is all that has reached me. As regards the necessity of sending out further troops to reinforce those already in South Africa, I am not aware that at the present moment there is any such necessity; but if further troops are required, it would, of course, be the duty of a person holding my position to advise that they should be sent.

SIR JULIAN GOLDSMID asked the Secretary of State for War, Whether he had any information to give the House as to the health of the troops in South Africa?

COLONEL STANLEY: Sir, the last accounts I have heard are that the health of the troops is improving, and the last medical Report—I cannot remember the exact date of it—is certainly to that effect.

ARMY ORGANIZATION—THE DEPARTMENTAL COMMITTEE.

OBSERVATIONS.

MR. GOURLEY said, that in consequence of the answer which had been given to his Question by the Secretary of State for War, he wished to call the attention of the House to the dépôt centre system, and to point out how he thought that the proposed inquiry should be conducted by a Royal Commission and not by a Committee. To put himself in Order, he would conclude with a Motion. When Lord Cardwell's national system of dépôt centres was introduced, it was contemplated that at those centres there should be deposited a sufficiency of commissariat to meet any demand which might be made in an hour of emergency. But that object had not been carried out. The Militia and Volunteers, as well as the Regular Forces, still had their own independent Staffs. The commissariat was still deposited at Woolwich and other large centres, and the various dépôt centres had no commissariat whatever. The result was that the troops which had been sent out from this country to South

Africa eventually landed there without a proper commissariat; and, so far from the great object of Lord Cardwell having been carried out, and a sufficiency of commissariat establishments provided at the dépôt centres, the Commissariat of the War Department had entirely broken down. With regard to the Committee which was about to be appointed by the Government, he believed it would not be satisfactory either to Parliament or the country. Instead of being composed entirely of officers of the Regular Army, the Committee ought also to include officers connected with the Auxiliary Forces, with the Marines, and other branches of the Service; and he contended that unless that were done the Committee would entirely fail in its object, which was to decide upon and carry out a national scheme which would be impartial in all its details. That end, he held, would be much better accomplished by the appointment of a Royal Commission, which could travel about and collect the best evidence it could find throughout the country; whereas a Committee sitting in London would be bound, to a great extent, to procure its evidence from the Horse Guards, to whose shortcomings and want of system in details we owed in a large measure our failure in the Transport Department, not alone in the Zulu, but also in the recent Afghan campaigns. He protested most strongly against the proposed constitution of the Committee, and maintained, as he had already stated, that it should be composed of officers representing all the various branches of the Service, including the Marines. He begged to move the adjournment of the House.

SIR HENRY HAVELOCK, in seconding the Motion, said, he believed he expressed the opinion of many hon. Members of the House, and of many persons outside the House, when he said that it would be regarded as much more satisfactory if the right hon. and gallant Gentleman the Secretary of State for War had given a little more detailed information as to the character of the proposed Committee, for it was a subject to which the public were giving considerable attention, and many were looking forward to it with some degree of misapprehension. The right hon. and gallant Gentleman said there were two distinguished officers whom he proposed to nominate on the

Committee, and whom he considered to be desirable representatives to be placed upon it. He (Sir Henry Havelock) understood him to refer to those two very distinguished officers, Lord Napier of Magdala and Sir Henry Norman, who were both officers of very great experience; but there were scarcely any other two in the whole *Army List* whose acquaintance with the existing Army system, as applied at home, was more limited than theirs. He wished it to be distinctly understood that he had no desire to reflect upon or to depreciate the knowledge and well-known—indeed, world-known—merits of those two distinguished officers; but he was within the mark when he said that Lord Napier of Magdala had no experience whatsoever of the working of the present system, except as regarded the limited number of regiments which had served under his command at Gibraltar. And in the case of Sir Henry Norman, with all his great and acknowledged merits, he had absolutely no acquaintance whatsoever with the working of the Army under the existing system, or with regard to its organization, short service, or recruitment, in any portion of their details. It was well known that he had been charged for many years with the organization of the Indian Army, and those two officers were prominently in the public mind as having been primarily concerned in the organization of the Indian Army, which, although it had gone, in a manner, through a recent war, had not had applied to it such a strain or test of its efficiency as a war would be to the British Army if it were called into the field. They laboured under a disadvantage in being connected in the public mind as being the authors of the Indian Army system, which was now, and must for many years to come be, on its trial, and had not proved a success. The Indian Army, it was well known, was not only distinguished for its costliness, but for its want of stability and want of power to resist the strain of war, to an extent that was not known in any other Army in the world. If the right hon. and gallant Gentleman the Secretary of State for War had not definitely decided upon the names he proposed to place on the Committee, he thought it was highly desirable that he should select from the large field of choice open to him the names of

officers who, by their previous experience, were well acquainted with the working in all its details of the system which it was proposed to put upon its trial. He hoped he might gather from one part of the right hon. and gallant Gentleman's statement, that it appeared to be recognized that the existing system, although not perfect, was sound as regarded the main lines on which it was laid down, and that it required altering, not in its great principles, but in its details.

Motion made, and Question proposed,
 "That this House do now adjourn."—
 (*Mr. Gourley.*)

SIR ALEXANDER GORDON regretted to hear the remark made by the Secretary of State for War with regard to the members of the Committee being selected from persons outside of the Departments. If that mode of selection were acted upon, those officers would be excluded from it who, from their previous experience, were most competent to advise the Government, while officers much less acquainted with the working of the present system would find a place upon it. He alluded to the omission from the Committee of the Adjutant General and the Quartermaster General of the Army—two officers who would have to carry into effect any recommendations the Committee might make, and who occupied their present offices owing to their knowledge of any details. Officers of the largest experience of the present system ought to be selected, and it was only by such a selection that any recommendation the Committee might make would be received with goodwill and respect, for it was of the greatest importance that their recommendations should be carried out with goodwill by those in Office. Some time ago a Royal Commission was appointed, at which 10,000 questions were asked and 10,000 answers were given, and yet absolutely nothing was done. He thought that a Committee would be much more useful.

MAJOR O'BEIRNE said, he highly approved of the plan of selecting the members of the Committee entirely from outside the War Office. He trusted that one object the Committee would have in view would be to do away with the short service system altogether, or so to modify it as to make the Army efficient, and not to bring the Army, as it had

Sir Henry Havelock

already been nearly brought, to disgrace. He trusted that they would also break up the brigade depôts, which had cost us an enormous sum—upwards of £5,000,000—and which had utterly and absolutely failed, proving the most humiliating and costly military failure we had ever had. He foresaw that the object of the Secretary of State for War was to break up the brigade system, and to do away with the linked battalion system, and he welcomed the prospect of such a result.

COLONEL STANLEY said, he hoped that, as the discussion had arisen in a somewhat irregular form, he might be excused from replying in any great detail to all the points which had been raised. Hon. Gentlemen opposite had launched into quite a prophetic vein. They had prophesied many things which might or might not come to pass. The question was, however, very simple. Matters of principle must be left for the consideration of the Government and the House. There were many matters of detail which, if they affected principle, would, of course, be brought under the cognizance of the House. A great many points were points of detail important in themselves, and which would go a long way to correct the defects hitherto experienced. In introducing the Army Estimates, he had frankly explained what he conceived to be the faults of the existing system. He had spoken with some reserve as to the steps which might have to be taken hereafter; and, although he did not go back from the substance of the opinions which he had previously expressed, he could not help feeling that in a matter of that vast importance a careful inquiry and examination of facts by the best technical minds which they were officially able to command would be of advantage to the Government and the House in considering the steps which might be required to perfect our Army system. He did not wish them to express an opinion for or against the depot-centre system; that was a matter fairly worthy of inquiry. He did not conceive that the Committee would be justified in laying aside the short service and the Reserve system; nor did he think they would be right in departing from the principles of the localization scheme. Feeling strongly on the matter himself, and knowing that many others had expressed their opinions for and

against the system, he had been anxious to obtain the services on the Committee of officers who, while having great knowledge of the subject, had not committed themselves strongly to pre-conceived opinions. He wanted to have as perfect and as impartial an inquiry as possible. It would then remain for the Government to consider what steps should be taken, and if they had occasion to come to Parliament, it would be his duty, or his Successor's, to make the necessary representations to the House. He wished at the present moment to keep his mind perfectly clear on the matter, and to be assisted by the authorities to whom he had referred in arriving at the best result on the evidence which would be obtained by the Committee. There appeared to be some misapprehension in the House as to the functions of a Committee; but he knew of nothing that could be done by a Royal Commission which could not be done equally well by a Committee. There would be no more difficulty in a military Committee going to different localities, if that was desirable, than for a Commission to do so. As to officers of the Marines serving on the Committee, the system of the Marines was entirely distinct; they had their own barracks, and they were not interwoven with the military system of this country at home. They had distinct functions to discharge, they were in no way concerned in the inquiry of the proposed Committee, and it would not be convenient or even right that they should be members of it. He had explained in general terms the object and scope of the Committee; and one prominent consideration which had weighed with him was that by appointing a Committee, and not a Commission, they might obtain more promptly the recommendations which the military authorities might think it requisite to make. He did not think it would be convenient or right for him to say more on the subject. As to the statement that officers had failed to carry out Lord Cardwell's system thoroughly, his Lordship did not expect his system would be carried out in a day; but it would be generally admitted that great progress had been made in carrying out the system, and still continued to be made. He was not aware that it was ever intended that the brigade depôts should be centres of commissariat arrangements. It would be ab-

surd if regiments having their depôt in the middle of England, and having to go to a port of embarkation, were to have their waggons and stores in the heart of England, instead of finding them nearer the port of embarkation. As to the systems adopted in other countries, it ought to be remembered that we had our own particular lines to pursue, which were forced upon us by our insular position. That position gave us great advantages, although it also had its disadvantages; and we could not blindly copy any foreign system, however good it might be. He hoped that, after those explanations, the Motion for the adjournment of the House would be withdrawn.

MR. J. HOLMS said, he was glad that the officers who were to conduct the inquiry were to be selected outside of the War Office; but he thought a Royal Commission ought to have been appointed in preference to a Committee. He was also glad to hear from the right hon. and gallant Gentleman the Secretary of State for War that the Government were determined to adhere to the short service and the Army Reserve systems. What was wanted in the way of inquiry was a calm consultation between military men of large knowledge of the subject and men who were large employers of labour, so that they might come to a sound decision as to the principles upon which they ought to proceed. The present system, there was no doubt, had broken down most completely, for it was quite obvious to everybody that the men, or rather, boys, who were now being sent to fight the Zulus were not exactly the type of soldiers that were required. He would suggest that it would be well if the Government re-considered their decision, and appointed a Royal Commission instead of a Committee.

SIR GEORGE CAMPBELL said, that the right hon. and gallant Gentleman the Secretary of State for War took no notice in his remarks on what was the most important point in the question before the House—namely, that the Committee was to be composed of officers of the Regular Army alone, and that officers of the Militia and Auxiliary Forces were to be excluded from it. He thought it would be satisfactory to the country if the proposed investigation were to be of a less one-sided character than that suggested. The problem to

be solved was how to combine the institutions of the country so as to combine what might be called an armed nation for the purpose of defence with an Army for foreign service, and that was a problem which it seemed to him totally impossible for the members of one branch only of the Service to solve.

MR. PARNELL said, that the short-service system was designed by the late Government when our foreign policy was very different from the policy pursued by the present Government. Short service gave us a large number of Reserves, as had been proved last year; but these Reserves could not be sent to Afghanistan, Africa, or Burmah, to carry on petty wars. If the present foreign policy of the Government was to be persisted in, they would require a very different, and a far more extensive, Army organization; but he warned the House not to be led away by the apparent failure of the short-service system in South Africa—not to be led away into sanctioning an organization of the Army which would enable an ambitious Minister to enter upon aggressive wars, either large or small, all over the world.

THE CHANCELLOR OF THE EXCHEQUER said, whether the conversation which was now being carried on was or was not directly in Order he would not say; but it was important to call the attention of the House to the exceeding inconvenience of the course which they were now pursuing. It must be generally admitted that there was nothing of greater importance for the conduct of Business in the House than that they should know, with some degree of certainty, what Business they were called upon to discuss when they met, and especially when the meetings of the House were fixed for Morning Sittings with a special view to the discussion of particular Bills. Those hon. Gentlemen who came down to the House at some inconvenience to themselves might fairly expect that they would be allowed to proceed with the discussion of the Business for which they were assembled. He was perfectly aware that it was within the Rules of the House that any hon. Member might move the adjournment of the House, and that upon that Motion he had a right to offer such remarks as he might think necessary to justify what he had done. But it was a distinct abuse of the Motion for adjournment, if that

Colonel Stanley

opportunity was taken to introduce subjects which had not been put upon the Notice Paper, and for which no opportunity of discussion had been regularly sought, and to bring them on in anticipation of the regular Business of the day. Hon. Gentlemen would see easily enough to what mischief that system might lead. For instance, on an ordinary day some hon. Member who had a Motion to bring forward stood first; but another who had not been equally successful in the ballot might cut in, and, saying that he was not satisfied with an answer he got from a Minister, might move the adjournment of the House and raise the whole question. If hon. Members would consider it as a matter of fairness among themselves, they would see that it was not right to resort to such a course, except in a case of emergency, which nobody would say the present case was. But beyond that, this was a mode by which Business might be indefinitely, and to any extent, retarded and, in fact, rendered impossible. The House must remember the circumstances of the Bill which was down for discussion that day. It was a Bill of very great importance; it was one to the preparation of which the Government had given very great attention; it was of considerable magnitude; and had been discussed, he was afraid to say on how many occasions, at very great length. There was still a great portion of the Bill to be dealt with, and the Government were prepared to give a large part of the time that remained of the Session to its discussion. They did not desire to limit the discussion on the Bill; but it ought to be clearly understood, not only in this House, but out of the House, that it was impossible for Business to be carried on in a way which was advantageous to the country, or creditable to the House itself, if it was not done with something of regularity. And he must say that the discussion which had been going on for half-an-hour or an hour, whatever the intention of the hon. Gentleman who had originated it, or whatever the interest which he admitted attached to the question which had been raised, was now taking a turn which would have the effect simply of obstructing the progress of the Business of the House. That might be a matter of great satisfaction to some persons. It was a course which the House might be content to condone, or even to approve; but it was

right that the circumstances should be known which, in the present state of things, rendered it impossible for the House to make that progress with the Business of Parliament which the country expected at their hands. Of course, he admitted that the Question put to his right hon. and gallant Friend was one of great importance—one which at another time might be made the subject of a debate, or of a Question; but his right hon. and gallant Friend having given an answer, he thought they might have been allowed to proceed to the Business of the Day. But now they had had, not only further discussion upon particular Business, but the hon. Member for Meath made it the occasion for raising a general discussion on the foreign policy of the Government. It seemed to him utterly impossible, if that was the way they were to conduct Business, that they could get on with Business at all. He did not know that he could object in point of form to what had been done; but it was only right that the House and that others should be informed that it was impossible that the Business of the House could be conducted if such proceedings were of frequent recurrence.

MR. GOURLEY said, that with the permission of the House he would withdraw the Motion. At the same time, he hoped the Chancellor of the Exchequer would always act up to the good advice he had just given them.

MR. PARNELL: Upon this question I beg to say a word or two, and I shall not take up one-fourth of the time which the right hon. Gentleman has taken up. ["Order, order!"]

MR. SPEAKER: The hon. Gentleman has already exhausted his right to speak. Is it the pleasure of the House that the Motion be withdrawn?

MR. PARNELL: No.

MR. SPEAKER: Then the Question is that the House do now adjourn.

Question put, and *negatived*.

SOUTH AFRICA — INSTRUCTIONS TO SIR GARNET WOLSELEY.

QUESTION.

MR. PARNELL wished to repeat the Question he had put to the Chancellor of the Exchequer as to the Instructions given to Sir Garnet Wolseley. The right hon. Gentleman declined to answer the Question on the plea that the Instruc-

tions, if communicated to the House, might, by being telegraphed to Madeira, reach the Cape before the officer who was to carry them into effect. But as there was no telegraph from Madeira, he wished to know, Whether the Chancellor of the Exchequer would state what the Instructions were after Sir Garnet Wolseley had left Madeira for the Cape?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I shall be obliged if the hon. Member will give Notice of the Question.

ORDER OF THE DAY.

ARMY DISCIPLINE AND REGULATION BILL—[BILL 88.]

(*Mr. Secretary Stanley, Mr. Secretary Cross, Mr. William Henry Smith, The Judge Advocate General.*)

COMMITTEE. [*Progress 8th May.*]

Bill considered in Committee.

(In the Committee.)

Punishments.

Clause 44 (Scale of punishments by court martial).

SIR ALEXANDER GORDON said, the object of the Amendment, standing in his name, was to include in the scale all the punishments which could be inflicted by courts martial. If hon. Members would turn to page 146 of the Blue Book laid before the House, they would find that the Bill presented to the Committee contained in the scale of punishments those which he now proposed to add to the present Bill. He thought the Committee ought to be informed why the Secretary of State for War had departed from the arrangement which was laid before the Select Committee, and which was approved by the Commissioners. It was only yesterday he had read in the leading journal, that after the very careful manner in which this Bill had been considered and approved by the Select Committee, it was unnecessary further to discuss it. But if the Committee would compare the two Bills, they would find that that which was now under discussion had been almost entirely altered and redrafted; and although he was a Member of the Committee, and had paid great attention to the Bill laid before it,

he was hardly able to find his way through the present measure, on account of the alterations which he had mentioned. The scale of punishments had been altered in this way. The former scale was made by enactment of the House of Commons, which declared the leading punishment which courts martial were to have the power to award; but by the Bill now before the Committee, Parliament did not enact all the punishments which were to be awarded by courts martial. The Bill only enacted some of the punishments, while others were put down in the form of a Proviso, or left to be awarded under Royal Warrant. This proceeding, which was an entire departure from established practice, was, to his mind, perfectly unintelligible; and, inasmuch as the Mutiny Act had always laid down the punishments which courts martial could award, he could see no reason why that course should be departed from. He, therefore, moved, in page 19, after line 7, to insert, "*n. Forfeitures, fines, and stoppages,*" to restore the scale of punishments to be awarded on conviction by court martial to its original form—the form that was included in the Bill of last year, and the form in which he contended it should always remain. He also wished to remark that the mode of inserting the Provisos relating to exemptions, which, in the present case, were as important as the clause itself, was a departure from the course instituted by Parliament.

COLONEL STANLEY said, perhaps the hon. and gallant Member (Sir Alexander Gordon) had not heard that he had said the word "agreed" across the Table of the House. The term "stoppages" might be open to the technical objection that it was not, perhaps, the right word, inasmuch as the punishment indicated was a matter of course; while the restoration, which often took place, was an act of grace. With that reservation, he accepted the words of the Amendment.

Amendment agreed to.

MAJOR NOLAN said, with reference to the new punishment of reduction to a lower grade in the case of soldiers and non-commissioned officers, that its insertion was not a question of drafting, but of principle. He was not quite certain as to the meaning of the word "soldier," as employed in this Bill.

Mr. Parnell

The Secretary of State for War had introduced the punishment of reduction to a lower rank in the case of non-commissioned officers in a subsequent clause. It was left out of its proper place at the time the Bill was drafted; and he had some little fear that, unless the present clause was amended, they might be precluded from providing for that punishment later on.

COLONEL STANLEY said, the suggestion of the hon. and gallant Member was, he believed, already noted and, in effect, agreed to. He apprehended that it would be safer to insert the punishment at the part of the Bill now reached; but would confer with those who were competent to give an opinion on the subject.

SIR WILLIAM CUNINGHAME hoped his right hon. and gallant Friend the Secretary of State for War would say "agreed," as he had done in the case of the last Amendment, to that which he now begged to submit to the consideration of the Committee; in which event, he begged to assure him he would give great satisfaction. He ventured to point out what, to his mind, appeared a strong objection to this clause, which was that it enacted that—

"All officers when cashiered shall be incapable of again serving Her Majesty in any capacity, military or civil."

The sub-section 3, therefore, which made this provision, he proposed to omit, on the ground that the Proviso was novel and unreasonable as well as unnecessary. First, with regard to its novelty. He ventured to point out that reference was made in the margin of the Bill to two sections—Nos. 76 and 87—of the Mutiny Act. Now, one of these two sections, he admitted, did refer to a similar Proviso which existed under the old Act; but it had only reference to the case of an officer who sheltered someone under his command from being brought before the civil power; but in the case of the other section, he begged to point out to the Committee that it had no reference whatever to the subject of the 3rd sub-section of the present measure. Again, as far as his recollection went, he had no knowledge that the disability to serve Her Majesty in any capacity ever did follow the sentence of cashiering by court martial; and for these reasons it appeared to him that the proposal that it should henceforward follow was en-

tirely novel. He maintained that officers of the Army had been managed hitherto by the simple punishment of being removed from the Service, and by no other; and he could not understand why it was now considered necessary to institute a more severe punishment for the purpose of keeping them in order; and he could not, for his own part, avoid expressing his surprise that a soldier in the position of the Secretary of State for War, who had passed a long time in the Service, should have concurred in casting this slur upon officers of the Army. Again, with regard to the unreasonableness of this Proviso. He considered there was no offence which an officer could commit of a non-military character, save one, which it would be reasonable to visit with such severe punishment as that provided for by this sub-section, and that was treason, which all hon. Members would agree could not be punished too severely. But the punishment now proposed was a civil disability. He, for one, would have had no objection to it had it been dependent upon sentence of court martial; and he was certain the officers of the Army had such confidence in the justice of the sentences of courts martial that they would not object to this power being conferred upon them; but against the disability as it stood in the Bill there was the very strongest objection. It would, of course, be said that the sentence would not be imposed except in very grave cases, and in cases in which it was deserved. For his part, he thought it unfortunate that the Bill should prescribe the two sentences of cashiering and of dismissal from Her Majesty's Service. To his mind, cashiering was the only sentence possible in former times by sentence of court martial; but it appeared that this punishment was now to be regarded as something more than dismissal—it was dismissal from the Service with ignominy. He contended that the word "cashiering" ought to be omitted in all the other sections of the Bill, which could not possibly justify such punishment, if it was a fact that the sentence would only be passed in cases of great gravity. For instance, in Clause 19 it was provided that cashiering might be inflicted for the simple offence of drunkenness; but he could not admit that any case of drunkenness should be of such an aggravated character as to render a man who might be guilty of the offence

liable not only to be turned out of the Service, but to be made incapable of serving Her Majesty in any civil or military capacity. Again, the section relating to suicide showed the propriety of omitting the word "cashiering," inasmuch as the offence contemplated could not justify the disability to serve Her Majesty in a civil capacity. The Secretary of State for War, he trusted, would favourably consider this proposed Amendment, which, in his opinion, was of great importance to the Service, an opinion which he thought was greatly borne out by the way in which his proposal had been received by the Committee. Another argument in favour of the Amendment was, no such punishment was possible in the case of privates and non-commissioned officers. The Committee had heard a great deal about the officers being affected by the Bill in the same way as the men; but, as a matter of fact, the latter could be dismissed from the Army without being rendered incapable of serving Her Majesty. It was further to be remembered that if an officer committed a crime of such a character as to render it right that a court martial should prevent him in future from serving Her Majesty in any capacity, either civil or military, there would be very little opportunity for his obtaining any such employment; therefore, the sub-section did not add to the real gravity of the punishment. But it was not the less objectionable on that account, because it was quite conceivable that an officer might be seriously affected, who had not committed an act of so grave a character. Further, it was quite possible that an officer of Militia or Volunteers might be brought up for an offence of a purely military character, and, for the sake of discipline, it might be found necessary to cashier him, the result of which would be that he would find himself prevented from serving Her Majesty in any capacity for the future, and that merely for a purely military offence. Having now shown that, in his opinion, sub-section 3 was both novel and unreasonable, as well as unnecessary, he begged to move that it be omitted from the Bill, and to express a hope that the Secretary of State for War would consider his Amendment in a favourable sense.

GENERAL SHUTE was satisfied that hon. Members would not feel that his right hon. and gallant Friend the Secre-

Sir William Cuninghame

tary of State for War had, with reference to this sub-section, cast any slur upon the officers of the Army. It was to be remembered that, until recently, when an officer was cashiered from the Army, he was most fearfully fined as well; and it was formerly no joke for a man commanding a Cavalry regiment, for instance, to lose £15,000, as well as to be dismissed. With regard to the applicability of the Proviso to cases of drunkenness, he maintained that an officer who was offensive or misconducted himself under the influence of liquor was guilty of conduct unbecoming the character of an officer and a gentleman, and should be proceeded against in that light. It was not desirable to open the door to the possibility of an inferior accusing his superior officer of having, for instance, left the mess table drunk, or even a servant going to the colonel and stating that his master had gone to bed intoxicated, and demanding his trial on the plea that all ranks should be treated alike. The greatest distinction, he maintained, should be observed in every respect between the officer and the soldier. He maintained that discipline in the Army had been, in a great degree, the result of the strongest and the most marked social distinction, upon which was founded the respect which a lower class felt toward a superior class; and when this ceased, there was an end at once of what he might call natural discipline. The French Army, since it had got rid of social distinctions, had never maintained with the same facility its discipline in the field. An old soldier in the English Army would feel respect for the youngest cornet, because he looked upon him as a superior, and well educated, and would obey him with greater readiness than he would one of the oldest and most distinguished of his comrades who had been promoted from the ranks.

SIR HENRY JAMES said, one result of the operation of the sub-section would be that if an officer were cashiered he would for life be prevented from being made a Justice of the Peace. A young man of 20 who had committed a practical joke might, by the means of this sub-section, be made incapable for the remainder of his life of filling any position in Her Majesty's Service; and a man who had been represented to have committed a great fault might, at a later period, be found to have committed

one of a venial character only. But if the sub-section were adopted, the Crown would never have the power of exercising its discretion in such a case.

COLONEL ALEXANDER intended to support the Motion of his hon. Friend (Sir William Cuninghame). He found that in 1811 a certain officer was sentenced to be cashiered; but being recommended to mercy, His Royal Highness the Prince Regent remarked that it was not expedient to give effect to the recommendation any further than to mitigate the sentence into one of dismissal, which showed that dismissal was not so severe a punishment as cashiering. Cashiering really meant "breaking," and an officer sentenced thereto suffered social ostracism. Again, in 1816, an officer was sentenced to be cashiered and rendered incapable of ever serving His Majesty in any capacity, either civil or military. Only that part of the sentence involving cashiering was carried out, and the court was informed that it was *ultra vires* to sentence a prisoner to incapacity to serve His Majesty. Another case was that of Lord George Sackville, who, after the battle of Minden, was tried by court martial for having disobeyed the orders of Prince Ferdinand of Brunswick, and judged unfit to serve His Majesty in any military capacity; yet, subsequently, as Lord George Germain, he filled the office of Secretary of State. The whole of the present measure erred on the side of excessive severity; and although hon. Members were told that it was merely a consolidating Bill, it was, in fact, very much more. He did not say that the increased severity was in accord with the ideas of the right hon. and gallant Gentleman the Secretary of State for War, who was only obeying the behests of Sir Henry Thring, whose finger was apparent in every clause of the Bill; and although that gentleman might be a good draftsman, he knew nothing whatever about the feelings of the officers of the Army. He (Colonel Alexander) was sure that the Articles of War would be found to give the Secretary of State for War as many opportunities for exercising severity as he could desire, and therefore hoped that the Motion of his hon. Friend would be agreed to.

COLONEL STANLEY said, that he had done his best to declare the law as he

considered it to exist. So far as he understood the authorities quoted by his hon. and gallant Friend, they showed that there had always been a distinction between dismissal and cashiering; and if he could point to a single case where an officer who had been cashiered had again been employed in a military or a civil capacity by the Crown, he (Colonel Stanley) would be willing to omit this section. It seemed to him that the matter cut both ways; for there was a great deal in what had fallen from the hon. and learned Member for Taunton (Sir Henry James), to the effect that what was proposed would interfere with the right of the Crown to bring any person back to its Service. Still more than that, it was plain that it might occur that an officer early in life was cashiered for some fault, and it was hard that he should not have any *locus penitentiae*. He hoped that the Committee would understand his difficulty, and permit him to withdraw this section.

Amendment agreed to.

Sub-section 3 *struck out*.

CAPTAIN MILNE-HOME moved, in page 19, line 19, after sub-section 3, to add—

"An officer who joined the Army before the abolition of purchase, when sentenced to be cashiered, shall not forfeit any portion of any sum of money to which he may be entitled from the Purchase Commissioners, unless the sentence of the court otherwise directs."

The object of the Amendment, he stated, was to give to courts martial, when sentencing Purchase officers to be cashiered, a discretionary power to add to their sentence deprivation of commission money. In no authority had he been able to find that cashiering inflicted forfeiture of commission money. He knew this had been the practice in the Purchase days, and he did not wish to complain of that; because then all officers, whether they had paid for their commissions or not, served on equal terms. But in these days, circumstances were altered. For in the same regiment were men who had paid hundreds, if not thousands, for their commissions, serving side by side with others who had paid nothing; and thus one man might be fined heavily for committing an offence, while another for the same, if not a more flagrant crime, would get off scot free. To place both

classes of officers on the same footing, it would seem natural to assent to the proposal of the hon. and gallant Member for Leitrim (Major O'Beirne) in the Committee upstairs, which accorded to Purchase officers, on all such occasions, their purchase money. But he (Captain Home) did not altogether concur in this view; because a court martial might consider the gravity of the offence warranted their depriving the officer of his money. On the other hand, it must be recollected there were—there had been—introduced into this Bill several venial offences, for which an officer might be cashiered, and for which it would be hard to mulct him of his money. He need not multiply instances, but would simply refer to the speech of the hon. and learned Member for Taunton (Sir Henry James), the whole of which was in favour of this Amendment. He would allude to the crime of drunkenness off duty; and, without going back on the discussion over Clause 19, it was clear that that offence must often be of a venial character. He was the last person to palliate the crime of drunkenness in anyone calling himself an officer and a gentleman; but he felt there might be cases where the court might be glad to have the opportunity of acting leniently. They might, moreover, consider it best for the interests of the Service to dismiss the officer; but might pause before passing such a sentence if they felt they would be in this way depriving the man of all means of livelihood. There was one other method of placing the two classes on the same terms—namely, to fine the non-Purchase officer a sum equal to what his commission would have cost, had he bought it. But he (Captain Home) feared this proposition would not be entertained; and, therefore, he suggested his Amendment as a fair compromise. One of the principles of the Bill was the definition of Military Law, and he contended the Amendment met that view, and it was, therefore, not inimical to the principle of the Bill: whereas, if it were not passed, the accurate meaning of the word “cashiered” must remain in its present obscurity.

MAJOR O'BEIRNE cordially supported the Amendment. In the 141 battalions now in the Service, there were 4,178 combatant officers, of whom 2,674 were Purchase officers. Considering, therefore,

how large a percentage they formed of the officers of the Army at the present time, he did not think it would be either wise or just to disregard their feelings in this matter. To show under what circumstances an officer went into action at the present day, he would state that the money lost at the battle of Isandlana, by eight officers of the 24th Regiment being killed in action there, was £13,500. That would give a pretty good idea of the value of the money in question in regard to those 2,674 Purchase officers now in the Army. They were liable to forfeit the money to which they were otherwise entitled by the sentence of a court martial. The injustice of the matter was evidenced by what took place at the Criminal Court at Guildford, when Colonel Valentine Baker was tried and found guilty of an offence. In addition to his imprisonment, he was fined, by the Judge who tried him, £500; but beyond that, the authorities of the Horse Guards thought fit to fine him £4,500 more. The law of England was that no man should be punished twice for the same offence; and he was sure that when Mr. Justice Brett, who tried Colonel Baker, sentenced him to pay a fine of £500, he had not the slightest idea that the authorities at the Horse Guards would impose any further fine upon him. Indeed, in sentencing Colonel Baker, the Judge said that, having regard to the high character which he had received, and for the sake of his family and children, he would be allowed an opportunity of continuing to serve Her Majesty, and he did not believe that the fine would have been inflicted if the Judge had known that Colonel Baker was to be cashiered. The injustice of the present state of things was that a purchase officer was punished much more severely in being deprived of his commission than a non-Purchase officer; and that, in point of fact, his wife and family were punished as well as himself. For these reasons, he thought there should be some difference made between Purchase and non-Purchase officers in punishing them for offences, and that one class should not be punished so much more severely than the other.

COLONEL STANLEY was not able to accede to the Amendment. He would ask the hon. and gallant Gentleman to consider how the matter stood. He had no intention to follow the hon. and gal-

Captain Milne-Home

lant Member who had last spoken into Colonel Baker's case, and of the loss by the Purchase officers at Isandlana, which he thought had nothing to do with this matter. The Army Regulation Bill of Lord Cardwell dealt with the matter in this way—it put the State into the position of the officer who formerly purchased a commission from another. They could no longer have an officer as the purchaser of the commission; but the State stepped in, and paid the value of the commission. Therefore, an officer had not now a saleable commission; and what happened was that the State stepped in and said that he should have the sum of money which he could have obtained from his brother officer in former times. When the officer was cashiered in former times, the step went as a matter of course, and no officer paid for it. They must remember that the State had simply taken the place of the officer who formerly purchased the step. There was not the slightest difference made in the manner in which Purchase and non-Purchase officers served side by side. One had paid money for his commission, and the other had not. Not the slightest difference had been made in the position of the Purchase officer, except, that whereas in former times, under certain circumstances, he was entitled to the value of his commission from his brother officer, now he was entitled to be paid that money by the State. What was now asked to be done was, that the commission of a Purchase officer, which was not saleable in former times, and for which he received nothing, should now be paid for by the State.

GENERAL SHUTE believed that the Amendment of his hon. and gallant Friend was thoroughly just and proper. With regard to what had been said as to the loss of money by the deaths at Isandlana, he might say that he knew of some very hard cases which he intended to bring before the House in a Motion which he had entered upon the Paper. He would, however, mention to the Committee one instance of an intimate friend of his, who was of a most generous disposition, and who obtained high promotion upon the death of his colonel, thus obtaining his regiment for nothing. But this gentleman, being a fairly rich man, presented the money he would otherwise have given for the step to the widow of the colonel and brother, for

whom he and all under him had a great regard, she being left badly off. He would ask if the State would have done such an act as that?

MR. RYLANDS was extremely glad that the right hon. and gallant Gentleman the Secretary of State for War had refused to entertain the Amendment. He did not hesitate to say that Purchase officers had no reason to complain of any niggardliness on the part of the State; they had been treated in a manner for which, in his opinion, they ought to be extremely grateful. He supposed that the result of the Amendment, if carried, would be this—that if a Purchase officer in the Army were cashiered, he would be put into a much better position than he would have been under the old system of Purchase. And let it be remembered that the Amendment contemplated that an officer so cashiered should receive from the State not only his regulation price, but his over-regulation price. He had no hesitation in saying that the terms granted to the Purchase officers, by which they were placed under the new system in the same position as they occupied before, was a most advantageous arrangement to them, for it gave the sanction of law to what was known to be an indefensible practice on the part of the officers of the Army. The over-regulation price was paid under conditions not creditable to the Army; for every officer had at one period to take a solemn oath that he had not gone through any such transaction. Up to the last day on which the Purchase system existed an officer of the Army had had on his honour to declare that no over-regulation price had been paid. Yet, in spite of that, a constant violation of the law took place; and when the Government agreed to pay over-regulation prices—which he was very sorry they did, for he believed they were thus doing a great injustice to the public generally—they gave terms to the officers of the Army which he thought were perfectly outrageous in the generosity with which they recognized their claims. If the hon. and gallant Gentleman wished to re-open this question, then it would be necessary to consider the whole circumstances of the matter; but, for his part, he should say that it would be best not to disturb this settlement. The effect of the Amendment, if carried, would be that the Purchase

officer in the Army would be in a better position, in relation to the value of his commission, than he was when under the old system. The adoption of the Amendment would be a disturbance of the settlement come to by the late Government; and he hoped that the hon. and gallant Gentleman would see that, under the circumstances, it was undesirable to press his Amendment. He was fully in favour of cashiering being made not to have any effect which was not reasonable and proper; but he must say that the present proposal went far beyond that, and would be very unjust.

COLONEL ALEXANDER wished to point out that the Crown had now a power, if it chose to exercise it, of ordering that an officer sentenced to be cashiered should receive the full value of his commission. In his opinion, the best way would be to leave the matter in its present position.

MR. MUNTZ considered that it would be unwise to interfere with the arrangements made in 1871. Both sides of the House had now acquiesced in that arrangement, although when under discussion he fought the matter out to the last, and he was sorry that his efforts were unsuccessful. He was convinced that the wisest course was not to interfere with that settlement. What was the condition of officers before the abolition of Purchase? If they were tried by court martial and sentenced to be cashiered, they forfeited both the regulation and the over-regulation prices of their commissions. That was all that happened now, although the Crown had the Prerogative of ordering that they should receive the value of their commission, if it thought proper.

MAJOR O'BEIRNE observed, that when a soldier was tried by court martial and sentenced to punishment he did not thereby forfeit his money in the savings bank. But this was a reversal of the adage of one law for the rich and another for the poor, for it was one law for the poor and another for the rich. He thought that a Purchase officer ought to receive the money which he had placed in the Military Chest in the shape of his commission, just as much as the soldier received the money which was due to him from the military savings bank.

GENERAL SHUTE wished to know whether the Crown had the power to

say, in case an officer was cashiered, that he should receive the value of his commission—that was to say, the same amount as in the case of his selling out would be awarded by the Purchase Commissioners?

COLONEL STANLEY was not able to answer the question of the hon. and gallant Gentleman; all he could say was that, so far as there was any existing right, it would not be affected by the Bill. Perhaps he would be better able to answer the question on another occasion.

MR. PARNELL did not think that this question was looked at in a right way. The Secretary of State for War defended the position he took up in refusing to accept the Amendment on this ground—that formerly, under the old system of Purchase, an officer who was cashiered got nothing, but the step went in the ordinary way in the regiment without purchase, and the same thing now happened. In his opinion, they ought to consider whether that was entirely a just arrangement. It was true that by the Act of 1871 the justice of that plan was acknowledged; but there was no reason why they should not rectify any injustice by the present Bill. If there were any inequality in any respect, or any injustice, he could not see why it should not be rectified. They ought to consider whether it was just or unjust that an officer of the Army, because he had given a considerable sum of money for his position, besides undergoing the sentence of the court martial, should be additionally punished by losing the money he had paid. Under the old system of Purchase, an officer could not receive this sum of money, but lost his commission; and the reason he obtained nothing was that he had no longer any step to sell. That system had now been done away with; and he thought they might fairly modify the inequalities and injustices left, if it were made plain that they existed. He would suggest to the Secretary of State for War, that they might so far modify the Act of 1871 as to give a court martial a discretion to say whether, in the event of an officer being cashiered, he ought to receive the regulation value of his commission. At the present time, a lieutenant who was cashiered was punished much less than a general officer. Why should a lieutenant be punished, irre-

spective entirely of the sentence of the court martial and of the magnitude of the offence, in a much less degree than an officer of a higher rank? It might be that the offence for which a general officer was cashiered was of a much less grave nature than that for which a subaltern, under the new system, was cashiered. Yet, from the mere fact of the sentence of cashiering being passed, the power was taken away from the court martial to prevent the Purchase officer losing the money invested in his commission in addition to undergoing the sentence of the court. He should support his hon. and gallant Friend opposite if he went to a division upon this Motion; for he did not see that there was any right to punish a man twice over—first, by the sentence of the court martial, and, again, by the loss of his money. He thought it wrong to punish a man by a sort of Act of Parliament which did not take such a case into its consideration; and, in fact, by an additional sentence, which not only punished the person himself, but, in all probability, his wife and children.

SIR WALTER B. BARTELOT observed, that a statement had been made that the Crown had the right to give the value of his commission to any officer who had been cashiered. He believed that that right existed; and he thought the wisest course would be to withdraw the Amendment and repeat it again, supposing it might be discovered that the Crown had not that right.

SIR HENRY JAMES asked for the assistance of the Law Officers of the Crown upon this matter.

THE SOLICITOR GENERAL (Sir HARDINGE GIFFARD) stated that he was unacquainted with the subject.

SIR ALEXANDER GORDON said, that the Crown frequently remitted the punishment of forfeiture of the money. It was not a question admitting of the slightest doubt. The cases which had been put might be further exemplified. A regimental officer who had invested money in his commission, and a Staff officer who had not, might be both sentenced by a court martial for the same offence; but the sentence upon the one was much more severe than upon the other. He was sorry that the Secretary of State for War could not accept the proposal.

CAPTAIN MILNE-HOME said, that perhaps it might be more in accordance with the feelings of the Committee, and certainly with the feelings of hon. Gentlemen upon that side of the House, that he should withdraw his Amendment, pending the reply to the question of which the hon. and gallant Member for Brighton had given Notice. He might say, however, that he knew a great number of officers, not only in that House but out-of-doors, who felt very strongly upon this subject. He did not wish to enter into any of the questions brought forward by the hon. Member for Burnley (Mr. Rylands), nor did he wish to say anything with regard to the regulation and the over-regulation prices. What he asked for was simply common justice to the officer who had purchased his commission. He believed, also, that whatever opinion might be held as to purchase or non-purchase of any grade in the Army, that no greater similarity could be brought about between the two classes of officers than by adopting this Amendment. In the meantime, he begged to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. PARNELL moved, in page 19, line 23, to leave out from the word "imprisonment," to the word "punishment," in line 25, inclusive. The hon. Gentleman said, the Amendment was in continuation of the discussion which took place on the last day when the House was in Committee upon this Bill before the holidays, in reference to the question of corporal punishment. The subject was not very fully discussed, or dealt with, on that occasion. They were asked at that time—and it was strongly pressed against them by those who believed in corporal punishment—that there was no alternative for punishing a soldier if he were not flogged. It was said that if a man could not be flogged, the only other punishment that could be given to him was capital punishment. At the time he was not prepared to answer that argument, because he wished to make inquiries amongst military men, who were better acquainted with the details of punishments which could be inflicted under certain circumstances. He had now made inquiries amongst several officers of the Army, and he had been told that there would be no difficulty in punishing a man

sufficiently in a simple manner without flogging him. He was able to state that there were many punishments which could be inflicted upon a soldier that would tell in a much greater degree upon him than flogging, unless he were of a very degraded character. If a man were caught plundering, or doing any act which was prejudicial to discipline or the conduct of an army in the field, he was now usually punished by the provost marshal by flogging. But he might have his hands tied behind his back, and his rifle slung behind him, and made to carry two or three knapsacks, and the nature and quality of his offence written upon a placard upon his back. In that state he might be made to march along with his comrades in the ranks, pointed out as a black sheep, subject to the derision of everyone who saw him. That would be a sufficient punishment for the offences he had indicated in the field, without flogging having to be resorted to. There were, in fact, 50 ways of temporarily disgracing a soldier and making him an object of derision, which would be far better punishment than flogging him. If the authorities only chose to exert themselves, they would soon find out plenty of means; but it should not be thrown upon civilians to find out a substitute for such a disgraceful and degrading punishment as flogging. It was a punishment which had been abandoned amongst all foreign Armies in Europe. The Prussians did not use it, and the Russians never beat their soldiers. He was aware that Russia had acquired an unenviable reputation for the use of the lash; but he knew perfectly well that Russia never beat her soldiers—she might beat her subjects; but she never beat her soldiers. In France they did not find that the punishment of flogging was ever in use, or was necessary. He hoped that the Secretary of State for War would take one further step in the direction of the abolition of this punishment; and as he had only retained the punishment of flogging for armies in the field, and for troops on board ship not being ships of war, he would abolish it altogether. If he did so, his rule in his present Office would be one which would be looked back upon with satisfaction by everyone who wished well to the British Army. He begged to move his Amendment.

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Amendment proposed,

In page 19, line 23, to leave out from the word "imprisonment," to the word "punishment," in line 25, inclusive.—(*Mr. Parnell.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

COLONEL STANLEY was not quite sure whether the hon. Member saw the effect of the Amendment which he proposed. As regarded corporal punishment, the House considered the subject at some length on a previous occasion, and the necessity of retaining the punishment was affirmed by a very large majority. Even if he were willing to assent to the abolition of the punishment, he could not accept the alteration proposed by the hon. Member. This was not a matter in which he would be in Order in explaining, for the effect of the Amendment proposed would not be to touch the liability of the soldier to corporal punishment. He might still be sentenced to corporal punishment; there would be no power, if the Amendment were adopted, afterwards to discharge him with ignominy from Her Majesty's Service. It would, therefore, be very inconvenient to adopt any such Amendment as that proposed.

MR. RYLANDS said, that when this question was before the Committee on a former occasion, it was under circumstances which led to a restriction of the opportunities which might have been desired on the part of hon. Members to express their opinions. This was a matter upon which he entertained a very strong opinion. He should be willing to retain the punishment of flogging, or any other punishment, if it could be shown that that punishment was absolutely necessary. But, in this case, he did not think any necessity had been shown for the retention of the punishment. He did not wish to look at this matter as a mere question of sentiment. He regarded it from a much wider and broader point of view. He would ask, how far did the fact that this punishment could be inflicted under certain conditions upon soldiers in the Army affect or prevent any man who wished to enlist from doing so? The matter should be looked at in a practical way. In former times, when flogging was very frequent in the Army, officers generally accustomed to flogging during

their military experience were of opinion that the punishment could not be abolished without detriment to the discipline of the Service. He supposed that opinion was not now entertained, for the step taken in the nearly total abolition of flogging in the Army was now admitted to be the wisest thing that could have been done. There had been no evil effects resulting from it, and no detriment had been experienced to the Service; on the contrary, there could be no doubt whatever that the Service had received very great advantage. The advantage to the Service had been in two ways; first, it was clear that if a man were flogged he was degraded; and, secondly, he was made a worse soldier. Consequently, it must be admitted that if flogging were prevalent in the Service, there must be a shrinking on the part of respectable men from joining a Service in which they would be exposed to punishment of that kind. Flogging had been very much diminished; and it might be said, therefore, that they need not trouble themselves about the exceptional cases in which the punishment could now be inflicted. Let hon. Gentlemen remember that the exceptional case might be the one in which a man enlisting could be brought under. Regiments were frequently sent abroad, and they were not always sent in vessels of war; and if a man were sent abroad in a ship not being a vessel of war, he was liable to be flogged; and he thought that the knowledge that he was liable to such a punishment would prevent many a man from enlisting who might otherwise have joined the Service.

THE CHAIRMAN said, he must point out to the hon. Member that the subject to which he was now referring would be more relevant to another clause of the Bill. The question now before the Committee had no reference to the infliction of this sort of punishment. The only question that arose upon the clause was whether a soldier sentenced to corporal punishment might not, in addition, be sentenced to be discharged with ignominy from Her Majesty's Service. He did not think that it was desirable upon this Amendment to consider the question of corporal punishment *per se*.

MR. RYLANDS said, that unless this clause were re-modelled with respect to this particular punishment, there would be an inconvenience in the argument of

his Amendment to strike out corporal punishment from another clause.

THE CHAIRMAN wished to point out to the Committee that the sub-section k, in the earlier part of the clause, empowered the infliction of this punishment. When that was under consideration was the proper time for debating the propriety of inflicting corporal punishment. The effect of the Amendment would not be to diminish the power given by the Act to inflict corporal punishment; but only to prevent a soldier, upon whom corporal punishment had been inflicted, being afterwards discharged with ignominy from Her Majesty's Service.

MR. RYLANDS had no doubt that the Chairman was quite right in his ruling; therefore he should reserve his point, and make the observations which he intended to make when the hon. and learned Member for Stockport (Mr. Hopwood) proposed his Amendment.

MR. PARNELL observed, that the effect of the Amendment would be to prevent a soldier being discharged with ignominy, in addition to receiving corporal punishment. As Mover of the Amendment, he wished to restrict further punishment, and to prevent any punishment being added to corporal punishment. Surely they were entitled to speak of the effect of corporal punishment. That was the way in which the matter occurred to him when he moved his Amendment. He had only risen for the purpose, not of continuing the discussion on the question of corporal punishment, but to point out to the Committee that the arguments made use of against his Amendment did not affect its propriety. It had been said that the effect of his Amendment would be to prevent a soldier who had been flogged being afterwards discharged with ignominy. The right hon. and gallant Gentleman the Secretary of State for War said that that was a consequence which he did not wish to see realized; but he should submit that the right hon. and gallant Gentleman had offered no argument in respect of that view. They had been told that it was necessary to punish certain offences in the field quickly and sharply. He would ask, whether the discharge of a soldier with ignominy from Her Majesty's Service was a punishment of that character? If discharging a soldier from Her Majesty's

Service with ignominy was a suitable punishment, why was it necessary to score his back with the lash in addition? He thought that the arguments used against it tended strongly in favour of his Amendment. They might flog a soldier because they desired to retain him in the Army; but if it were desired to get rid of him, what was the reason for flogging him?

Mr. A. H. BROWN said, that under this clause they could only inflict corporal punishment upon a soldier when on board ship or on actual service. These two conditions were necessary before corporal punishment could be inflicted. Now, this part of the clause said, that in addition to imprisonment or any other punishment, which might be corporal punishment, a soldier might be discharged with ignominy. The question then arose, first, how could he be discharged with ignominy when on board ship on a voyage? He could not be discharged until the end of the voyage. And, secondly, when on actual service, it seemed to him that that was certainly not a time when a soldier should be discharged with ignominy, but rather that he should be kept in the Service. It was possible that when on actual military service a soldier might want to be discharged; and, therefore, it would be surely undesirable to allow him to be so. Therefore, he thought there would be harm in allowing a soldier to be discharged with ignominy after receiving corporal punishment.

Question put.

The Committee *divided*:—Ayes 160; Noes 43: Majority 117.—(Div. List, No. 116.)

Mr. HOPWOOD said, if his opinions were regulated by the results of divisions in that House, he should be so much discouraged by the one just taken as to fear moving his next Amendment. But he and his Friends were so convinced of the good that was done by the repetition of argument, that they would not hesitate to seize every opportunity to discuss this most cruel, useless, and pernicious punishment. He, therefore, should offer no apology for again pressing this discussion on the Committee; and he could not understand how so many officers of high rank and ripe experience could sit silent and dumb when they

must have many arguments in support of this punishment, derived from their own experience, to offer to the Committee. Why did they leave the kind-hearted Secretary of State for War to defend this punishment, and maintain that an Army of his countrymen was made of such materials that they could not be managed in the field, or during transport across the seas, without this excessive and terrific punishment? Yet that was their position at the present time. Englishmen were very Pharisaical. They thanked God that they were not as other men were—not even as those poor Russians. That was the idea which passed through the rather crude and uninformed minds of many gentlemen. They really did not know what was done in Russia; while as to other countries, he was amazed at the levity with which people said—"Oh! they don't flog soldiers in France and Germany; they shoot them." Where was the authority for it? Did anyone mean to tell him that an officer would have a man shot for the same offence for which he gave him 50 lashes? They were always talking about Russia; although he believed that many of those who talked so glibly about the knout did not know that it had been abolished there for 15 years. In out-of-the-way parts and corners of Russia illegal acts might be done; but flogging was against the law. Therefore, Englishmen might cease comparing themselves in their inflated vanity with other nations in this respect. When he spoke of the severity of the punishment, he was told that he was talking of the good old days when the "cat" flourished. An hon. and learned Friend of his (Mr. Sullivan), on a former occasion, was supposed to have exaggerated in describing the results of the lash, and it was denied that the lash caused blood to flow. But Mr. Buxton, a former Member of that House, stated in one of his speeches, reported in *Hansard*—

"At the first blow the blood spurted out some yards; and after he had received 50 lashes his back, from the neck to the waist, was one stream of blood. The man was disabled, often for many days, sometimes even for weeks, as in the case of a man flogged last autumn at Woolwich."

These recitals were painful, but so was the lash; and if they were to have it, do not let them put the consequences on one side with solemn contemptuous in-

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difference, and throw the blame on the military authorities. He knew there was always a natural jealousy between two Professions as to the interference of one with the other; and an hon. and gallant Gentleman the other night had talked of the tinkering this law had received from the lawyers. He did doubt, on the other hand, whether the training of an officer was quite the training by which a man best learned the way to keep men to their allegiance, and to make them perform their duty with the smallest amount of suffering and the least need of punishment. It was not the fault of military men, but of their training, that they saw matters from a small and narrow standpoint, and had not the inestimable advantage which a training in law gave—that it taught a man to consider crime and punishment from an entirely different aspect. Therefore, he hoped the military men in that House would not altogether reject the gentle suggestions they might receive from lawyers. Civilians had discarded this punishment of flogging long ago. They tried it for a number of years, and then, with universal execration and by universal consent, they discarded it as not only doing nothing to stop crime, but as doing a great deal to injure the population; and, above all, as inflicting an irreparable injury on those who inflicted it. Though 50 lashes was the talismanic number allowed by this Bill, no Judge, even in the worst cases, now thought of giving more than 20, or at the most 25. Another person, describing a flogging, said—

“As each was cast off after the punishment, his neck and back presented to view a belt of livid flesh, about seven or eight inches across, and reaching, as we have said, in a slanting direction from shoulders to waist, so that no part of the back escaped the blows of the lash. Each of the prisoners appeared to suffer in much the same degree in intensity; and each gave indications of the severity of the pain by screams and cries repeated at every stroke. These cries, we are told, continued for some time after the punishment was over; and, indeed, so painful was the scene, and so distressing the cries of the prisoners, that the officials themselves had some difficulty in sustaining it.”

No doubt, the non-commissioned officers and men who had to look on while their comrade was being flogged must be deeply touched and pained. But such scenes could not be repeated before these men without depriving them of their proper feeling of sensibility. Therefore,

he should like to lower this punishment to the lowest possible amount. The Bill said the maximum was to be 50 lashes; but, in reality, it was 450—it was nine times 50, for each lash had nine tails. He was told, also, that the most muscular men in regiments were employed to lay on the lash. The drummers were employed, he was told, because by long practice they had acquired great muscular power of arm and wrist; while in Cavalry regiments the farrier-sergeant was told off to be the degraded executioner. In this continuation of flogging in the Army every Member of the House who did not oppose it was concerned. For that reason, he would protest as long as he was able, and whenever he could get the chance, determined to free himself, at any rate, from having any part or share in the responsibility for its perpetuation. He wished to know why, if 50 lashes were named in the Bill, the instrument by which they were to be inflicted should have nine thongs? Perhaps the Secretary of State for War would be good enough to explain this. Now, as the right hon. and gallant Gentleman asked for 50 lashes which, owing to the construction of the instrument by which they were to be inflicted, meant 450, he (Mr. Hopwood) proposed to give him six, which would, in effect, be 54; and that number he trusted the Committee would present to Her Majesty's Government as being the right number to be inserted in the Act. He, therefore, begged to move, in page 19, line 27, to leave out “fifty,” and insert “six,” thereby securing discipline, securing order, and securing the repression of crime—if such a punishment could secure these objects—and substituting, in reality, 54 lashes for the 450 which, by a covert falsehood, was represented by this Bill as 50.

COLONEL STANLEY thought the hon. and learned Member had more than once apologized in the course of his harangue for his ignorance in matters relating to Army discipline; and, although he had no wish to press the point, he could not help remarking that he had just ground for excusing himself on account of that disqualification; because some of the arguments used by him could not in any way apply to the clause before the Committee. The principle of corporal punishment had been fully debated by the House a few days back, when its retention was confirmed by a very large ma-

jority, after three hours' discussion. He was obliged to presume that the plan adopted by the hon. and learned Member, of picking holes in this portion of the Bill by the Amendment which stood in his name, was intended to make his arguments hang together with some degree of consistency. The hon. and learned Member went on to say that the prescribed number of lashes should be inflicted "with an instrument or whip of not more than one thong or tail." But it was of no use lingering on those petty points of detail. As the Act was drawn, there was nothing whatever to prevent the use of a whip of steel, or, in short, a much more formidable instrument being prepared than was at present in use. He was not aware whether there was any sealed pattern of the instrument for use in the Army, as in the case of the Navy and prisons, which prevented their being made of any excessive dimensions; but if there were not, he thought it perfectly right that there should be. He was, however, bound to say that there had never been any complaint of excessive punishment; and, so far from there being any desire on the part of the authorities to inflict the punishment more severely than was strictly consistent with what was believed to be their duty, the feeling was quite of a contrary character. It would, therefore, be his duty to oppose all the Amendments of the hon. and learned Member who had just addressed the Committee.

MR. RYLANDS rose with the object of considering this question from an entirely different standpoint to that occupied by the hon. and learned Member for Stockport (Mr. Hopwood). He was prepared to look at this matter solely in view of its effect upon the administration of the Army and the good of the Service; and, leaving aside altogether the painful impression caused by this mode of punishment, to proceed upon a broad ground, and ask, was it or was it not desirable that this kind of discipline should be maintained in the Army? He held in his hand an annual Return from the Army, which went back to 1865, in which year he found that corporal punishment in the Army had been inflicted in 600 cases. The number of cases in which this punishment had been inflicted went on decreasing down to the year 1868, when, in fact, there were none, in consequence of the alterations

of the Mutiny Act which took place in 1867. Further, by the Mutiny Act of 1868 the punishment was abolished, except upon active service, and on board ships not in commission, and that was the provision which it was intended to continue in the present Army Regulations. As the result of this alteration of the law, between the years 1869 and 1877 there was only one case of infliction of corporal punishment in the Army, according to the Returns. There had, however, very recently been some cases on board ships, to which allusion had been made in the House; but, practically, for several years the punishment had been done away with altogether, and the same change had been made in the Navy. Now, the right hon. and gallant Gentleman had stated—and he believed with perfect truth—that in the case of a great number of commanding officers there would be the greatest reluctance to the infliction of this punishment. He (Mr. Rylands) had already stated—and he repeated his belief—that amongst the officers of the Army there were men as humane and as anxious to maintain discipline by kindness as amongst any other class of Her Majesty's Service. But there was no doubt whatever—and the right hon. and gallant Gentleman knew it better than he did—that while this was the general character of the officers of the Army, there were officers of a very different description. There were men who were violent, and who, by their temper, were disposed to impose punishment in a manner which caused a bad impression upon the men under their command, and which was, therefore, detrimental to Her Majesty's Service. Therefore, in looking at this question, they should not set up a standard of character on the part of officers in the Army generally; but they must consider how this particular power might be exercised by men not of very good judgment, and probably by men of infirmity of temper. So far as he was able to judge, the change in the Mutiny Act, under which the administration of corporal punishment had been brought down to a minimum, had effected a great alteration in the administration of the Army, and one which hon. and gallant Gentlemen knew was very much opposed by officers of the Army before that change took place; but it was now plain that it had

been altogether beneficial. He had never heard that there had been any objection raised since to the change which had taken place by reason of the limitation of this flogging in the Army. But was it a fact, or was it not, that the power to inflict corporal punishment in certain cases tended to produce a feeling, on the part of the people outside the Service, which would prevent their coming to our regiments? He was quite sure, from his knowledge of the working classes, that the fact of a soldier being liable to this degrading punishment, and the knowledge that when a soldier had been punished in this way his self-respect was reduced, and he was lowered in every way, had a very deterrent effect in preventing men from joining the Army. Now, he should support, during the progress of this Bill, every proposal the effect of which would be to induce a higher class of men to join the Army. In the book which he held in his hand, he found records of crime that were perfectly alarming. He found that the number of men punished for crime in the Army was almost incredible. Until the Return presented to Parliament was examined, one could not imagine there could be found such a large proportion of the men guilty of offences. In 1877 the number of punishments proportioned to offences tried by courts martial was 15,793; the offences themselves, of a serious character, numbering no less than 24,199. In addition to these offences of a serious character, there was a large number punished by the regimental officers; and he found that under that head the number of minor punishments inflicted was something enormous, the total number in 1877 being 282,687; so that what between the major and minor punishments, there existed a state of crime and disorder in the Army which was certainly of a very unsatisfactory character. That state of things, in his opinion, arose, to a great extent, from the fact that under the present condition of the Service the country was obliged to get recruits from the very lowest characters of the population. It was found that men of high character amongst the working classes shrunk from going into the Army. Now, he held that rather than resort to men of low character, men of good character ought to be induced to enlist, and not those of dis-

orderly habits. By attracting men of this character, with naturally vicious habits, the Army was rendered a hot-bed for the rearing of men in the constant habit of committing crimes, and who were continually being held to punishment by the decision of their superiors; and this large proportion of men undergoing punishment, as hon. and gallant Members knew perfectly well, very much interfered with the efficiency and available strength of the Army. Therefore, on the grounds of economy, efficiency, and the maintenance of the character of the Service, he held that, if there was the slightest suspicion that the infliction of this punishment, or the knowledge that it could be inflicted, deterred men of the highest character from enlisting, flogging was one of the worst things that could be adopted for the interest of the Army. There was another point which, when the subject of punishment was being dealt with, it was of the greatest possible importance to bear in mind, and that was that punishments should have no reference to the rank of the offender—they should simply regard the enormity of the offence. If it was thought necessary that there should be a particular punishment for certain offences, let it be applied to all ranks in the Army—to the officer, as well as to the private soldier. He would remind hon. Gentlemen that in the days of the First Napoleon a proposal was made to introduce corporal punishment into the French Army. The Emperor resisted that view; but upon pressure from certain officers connected with the Army, he at last consented that a Committee should be appointed to inquire into the propriety of the introduction, with the condition, however, that if it was decided that corporal punishment should be introduced, it should be made to apply to all ranks of the Army alike; and the result was, that the officers who had pressed the matter on the Emperor allowed it to drop, and nothing more was heard of it. He intended to vote in favour of the abolition of this punishment in the British Army, not because he was prepared to take the position that, under no circumstances, could it be beneficial, but with the view of regarding the interest of the Army, and of securing the highest class of recruits; for he maintained that by getting rid of corporal punishment the country

would get rid of what, in his opinion, deterred the better class of men from joining our regiments.

Mr. BIGGAR remarked, that the Secretary of State for War had said this was not a pleasant subject; but he had added that no complaints were made against corporal punishment, and that, in fact, the system gave great satisfaction. He (Mr. Biggar) presumed that this was the view of those who had to inflict the punishment, and liked to see it inflicted on others; but he was convinced it could not be the view of those who were liable to it themselves. With regard to the very important point raised by the hon. Member for Burnley (Mr. Rylands), as to whether this punishment, in the interests of the Army, should be allowed to continue, it was well known that, at the present time, the recruits were of the very worst description. Over and over again it was stated in the House, and it was notorious out-of-doors, that it was impossible to obtain the proper class of men for recruiting our regiments; the class which now joined being physically and morally unfit for the Service. Did any hon. Member think for a moment that a man of decent character and in fair employment would join the Army, while he ran the risk of having corporal punishment inflicted on him by the whim of an officer? Even, therefore, from the most selfish point of view, so far as the interests of the Army were concerned, the system was inexpedient. It was well known that the Armies of France, Russia, and Germany could hold their own in the field without this system; and not as the British Army had done in Afghanistan, by bribing the heads of the Tribes; while it was equally the fact that, in Zululand, our Army could not make its way at all. He thought the officers of the Army should unite to get rid of the punishment of flogging altogether.

Mr. PARNELL thought the Committee had every reason to complain of the tone which the Secretary of State for War had assumed with regard to the Amendments of the hon. and learned Member for Stockport (Mr. Hopwood), which he affected to treat as entirely beneath his notice, and unworthy of discussion. The history of this matter had been that when, upon former occasions, the annual Mutiny Act was passed as a matter of form, and

hon. Members had ventured to ask that some attention should be given to the question of flogging in the Army, they were told by the War Office authorities, and by the then Secretary of State for War, that this question, among others, should be inquired into, and receive the attention of a Select Committee, and that afterwards the Government would frame a Bill to deal with the subject. But the result was that, so far from the question of flogging receiving the attention of the Committee upstairs, it received no attention whatever. One of the last things which he (Mr. Parnell) had done on the Committee was to move for further evidence upon the subject, but the Motion was rejected. After this, it was felt that the proceedings of the Committee were of an useless and entirely unsatisfactory character, and that the result was not to be in any way relied upon. It was, therefore, the duty of hon. Members interested in the abolition of this punishment to see that their proceedings on the present occasion were not of the same useless character, and that the question raised by the hon. and learned Member for Stockport should receive proper consideration at the hands of the Secretary of State for War. He (Mr. Parnell) submitted that it was not in accordance with the traditions of the House to go over a series of Amendments and reject them before they had received the consideration of the Committee; it showed a desire, on the part of the right hon. and gallant Gentleman, to forestall argument, which would certainly not facilitate the progress of the Bill. The hon. and learned Member for Stockport had asked that if the punishment of flogging could not be done away with altogether it should, at least, be limited in extent of application; and, in so doing, he only went upon the precedent furnished by Government in drawing up the Act, when they showed that there were occasions upon which corporal punishment should not exceed a certain number of lashes; nay, more, they had shown, in many instances, by their practice, that it was not right to inflict this punishment to its fullest extent. He asked why, if never more than 25 lashes were inflicted in the Army, 50 should be inserted in the statute? If officers and surgeons in the Army found 50 lashes too many, why should you put more in the statute than were considered proper

Mr. Rylands

by the men who had to execute the law which had been placed in their hands? In other days there were men who defended the infliction of 2,000 lashes—men of humane character—just as there were at the present day to justify the infliction of 50 lashes. Nevertheless, that punishment of 2,000 lashes had been gradually brought down to 50; and he hoped that the number would be further brought down until none of it remained. Therefore, he trusted the Committee would not dismiss the question too hastily, and without full discussion. The question had its human, as well as its political aspect; and on that ground it demanded the fullest consideration. Again, it was absurd to suppose that they could get a desirable class of men into the Army while the terror of the lash hung over them. From a professional point of view, it should be a matter of delight to a soldier, when war was commenced; but to the English soldier it could be but a matter of apprehension, because he knew that in time of war he was liable to this degrading and brutal punishment of flogging. The Secretary of State for War had told the Committee that it was not his desire to inflict this punishment in a brutal way; but, nevertheless, although it was not his desire, it was inflicted in as brutal a manner as it was possible to inflict it. The strongest man in the regiment was told off for the purpose; that strong man was not supposed to be able to inflict more than 12 strokes at the time; the surgeon stood by, and the sergeant said "one;" the executioner, who stood with the lash in his hands, proceeded with the utmost force to bring it down on the shoulders of the sufferer, bringing it back again to the attitude of "attention." As soon as the sergeant saw that the strong man had had time to prepare himself for another stroke, he gave the order for another lash. Now, if that was not done with the intention of giving as much pain as possible by the punishment, he would like to know what could be? He deprecated the forestalling, in any way, of the Amendments of the hon. and learned Member for Stockport, as had been attempted by the Secretary of State for War; and, at the same time, trusted that the Committee would mark its sense of the motives of the hon. and learned Member by supporting him in the division.

MR. HOPWOOD pointed out that it was an error to assume that corporal punishment could be inflicted gently, and asserted that unless it was administered with the greatest possible severity the officer charged with its execution did not do his duty; the lashes must be of the full tale of severity. There must be no blinking of the question; the punishment was of a brutal and beastly kind; if any hon. Member thought it was not, let him stand up and say so. He should like it to be known in the House of Commons what Member would stand up and say that flogging was not a brutal and beastly punishment. But he saw no inclination on the part of any hon. and gallant Member to rise and say even that it was a punishment to be admired for its effectiveness in maintaining discipline in the British Army. It did not quite become the Secretary of State for War to remark that it was not usual to employ a steel whip in the Army; and he could not help thinking that the manner of his reply lost some of its pungency, when he undertook to say that he (Mr. Hopwood) had apologized for his ignorance in discussing this matter. In making the admission referred to, he desired the Secretary of State for War to understand that he had but done what he should do when occupying ground not usually trodden by him. But the right hon. and gallant Gentleman had done more. He had said—"You ought not to go into these matters at all." Well, he was repentant. But why did he not take his hand, as a child's, tenderly, and say—"Your experience is not like mine; let me tell you, you are wrong?" Had he done so, he (Mr. Hopwood) would most certainly have apologized, and said—"I have wronged an hon. and gallant Member; I have overstated my case; I have done an injustice." But the fact was, the Secretary of State for War had hoped, by the use of oratorical artifice, to get rid of his arguments.

SIR HENRY HAVELOCK was not disposed to listen in silence to charges thrown out against men who, in pursuance of what they believed to be their duty, were prepared to vote in favour of retaining for the present a mode of punishment which they considered to be indispensable to the maintenance of discipline in the Army under circumstances of war. He held that the

hon. and learned Gentleman had no practical acquaintance whatever with the circumstances which made this punishment necessary; and had it not been for the challenge thrown out by him, he would not have troubled the Committee with any observations on that occasion. But as the hon. and learned Member had thrown down a challenge, he would tell him that he (Sir Henry Havelock) yielded to him not one inch in his desire to remove corporal punishment from the Army as soon as it was possible to do so with safety. But it was nothing more than a perversion of language and sentiment to say, as the hon. and learned Member had said, that flogging was a disgrace to the Army. The officers of the Army argued, from a melancholy acquaintance with the facts, that in the present circumstances of the Army, and under the temptations amongst which soldiers were thrown in time of war, that the punishment in question was one which it was necessary to maintain. The difference between our Service and that of foreign countries was this—that whereas we were compelled to resort to corporal punishment in the case of certain offences, they, on the other hand, for the like offences, applied, were applying, and would, in his opinion, always in future apply, the punishment of death. Was it the desire of hon. Members, by inflicting the punishment of death, to shut out every chance of retrieval in cases where men now received a punishment which was disgraceful, certainly, but which was for that very reason efficacious? How often did hon. Members require to be told that under no circumstances could the punishment of flogging be given except by court martial? [“No, no!”] [Major NOLAN: The Provost Marshal.] He was not referring to active service. He was glad to hear the hon. and gallant Member for Galway make some remark himself, because he was often contented to act as the instigator of those around him. If the hon. and gallant Member would look at the statistics he would see that in the year 1877, while 30,000 soldiers were on their passage to and from India and the Colonies, not one single instance of corporal punishment had occurred on board ship. Again, although the country had been carrying on war for some months past, he believed that

neither in Afghanistan nor in Zululand had corporal punishment yet been inflicted; and he hoped that the latter war would be brought to an end without that necessity arising. Corporal punishment was mainly used during actual warfare, for crimes that were in themselves a disgrace to humanity. It was futile, as well as absurd, to suppose that men of the class of which the British Army was composed—men who were ready to risk anything and to dare anything, who carried their lives daily in their hands, to whom the risk of death and mutilation was a part of the bargain into which they had entered—would be deterred from crime by the mere physical pain of a few lashes. The efficacy of the punishment was entirely due to its disgraceful character. If this punishment was to be done away with in the few cases in which it was retained, what substitute was it proposed to supply? Amongst the various proposals which had been made was the ridiculous suggestion that a card should be hung round the neck of the offender; but he wished to point out to the hon. Member who had made that suggestion (Mr. Parnell), that though this would undoubtedly be ridiculous, the ridicule would justly fall, not on those who suffered, but on those who attempted to apply it. He could assure the Committee that there was no class of men in the world who were more glad to see improvements in the condition of the soldier than were the officers of the Army, who on that occasion had been so much maligned. He sincerely hoped that the time might soon come when corporal punishment would die out, because it was no longer needed; but he was obliged to remark that in such an event the House would owe nothing to the arguments of hon. Members below the Gangway. What monopoly of the feelings of humanity, he desired to know, belonged to those hon. Members? In conclusion, he wished to say that no class of men would rejoice more than the officers of the Army when this punishment could be done away with; but until this occurred the good soldiers knew that they were in perfect security, because there was not the slightest risk that, by any possibility, corporal punishment would be inflicted upon them.

Sir Henry Havelock

MAJOR NOLAN said, he was not going to imitate the example of the hon. and gallant Gentleman who had just sat down by endeavouring to obtain a cheer from hon. Members opposite. Notwithstanding that he had attempted to persuade the Committee that no flogging was inflicted in the Army except by sentence of court martial, he (Major Nolan) was in a position to state that from three-fourths to nine-tenths of the floggings took place without any court martial whatever. The reason of his remaining silent during the discussion was that he desired to reserve his observations until the Amendment which stood in his name was reached, and which Amendment was intended to afford a guarantee that a man should not be flogged except by order of court martial. The hon. and gallant Member, in his speech, had made a most extraordinary statement in saying that no good soldier was liable to the lash, or could, by any possibility, be flogged; but, on the contrary, he (Major Nolan) maintained that a good soldier was just as likely to be flogged as a bad one, inasmuch as two-thirds of the floggings were for breaches of the most trivial camp rules. If hon. Members doubted his assertion, let them read the last Blue Book issued, and they would find that a number of Zulus gave it as a reason for leaving our Service that they were flogged for breaking camp rules which were not explained to them. Under such circumstances as these, if the hon. and gallant Baronet was in the position of a General commanding in the field, he would see very little flogging going on, and could, therefore, write home and say that there was no flogging in the Army, because it would go on without his knowledge. Without receiving specific orders to flog the soldiers, the provost marshal, in order to carry out the wishes of the General with regard to camp rules, caught the first man who broke them and flogged him; no returns were kept of the number of floggings that took place; and, as he had said before, the best soldier under that system was just as likely to be flogged as a bad one, because he was just as likely to break the camp rules. He had no doubt that upon this principle in Afghanistan and Zululand between 300 and 400 men had been flogged during the wars in those countries. This would be known when the men

came home, and would reach the places from which recruits came, by word of mouth, just the same as if it had been published in the newspapers; and the more so, because it was endeavoured to suppress it. He maintained that the class of soldiers must be raised; and one step in that direction was to remove the stigma cast upon them by corporal punishment. And he believed that if the punishment of flogging was kept up, the enthusiasm of the men would be damped when the country entered upon any great war, and that it would be very difficult, indeed, to get men into the ranks. The hon. Member for Meath (Mr. Parnell) had said that a soldier should be most pleased when a time of war arrived; but, as matters now stood, he would say—"This is the time for me to be flogged."

SIR ALEXANDER GORDON briefly pointed out that the discussion had been carried on as if corporal punishment was confined to the Army. It seemed to have been forgotten that it was practised in the Navy, and even to a greater extent than it was in the Army. A captain of a man-of-war could order the punishment to be inflicted if the sentence was approved by two other officers. But this seemed to have been forgotten. ["No, no!"] Yes; it had not been alluded to to-day, nor yet a few days ago, when the hon. and learned Member for Louth (Mr. Sullivan) spoke on the subject. He could not see why the retention of the punishment should be held to be so degrading in the Army and not so in the Navy. The good men of the Army did not object—they knew they were exempt from the punishment; but they also knew it was necessary to retain the punishment as the only means of keeping in order a class of men with whom they had to associate. The hon. and gallant Member for Galway (Major Nolan) talked of what happened in Abyssinia; but he (Sir Alexander Gordon) had seen larger Armies than were engaged in Abyssinia, and he knew the most important operations of war might be carried on without flogging, if the men knew there was the power to inflict the punishment. The question had been sufficiently discussed; and he only wished to say that the Navy was subject to the same punishment, and to this no objection had been raised in this debate.

MR. O'DONNELL said, in consequence of the persistent and thorough manner in which military men insisted on retaining the honour of flogging for the private soldiers of the British Army, he gave Notice that in all cases where the flogging was retained for the soldier, he would move on the Report of the Bill that the honour should be extended to the officers of the Army.

SIR HENRY HAVELOCK said, the discussion would soon extinguish itself; but he desired one word to give the Committee the opportunity of judging of the value of the statements of the hon. and gallant Member for Galway (Major Nolan). His remarks implied that under the power given by this Act the provost marshal in the field was enabled, almost whenever he liked, to inflict the punishment, and, practically, without supervision. But if he believed that, he could not have read the Bill. If he referred to the Bill he would find among its provisions one that had been in existence almost as long as the British Army, by which this power to inflict corporal punishment was strictly limited to those cases of gross and violent offences in the field of which the provost marshal had been a personal eye-witness. The provost marshal was restricted to this by his commission, which could only be varied by the General commanding. He could only exercise his power in those cases where he had himself witnessed violent or disgraceful offences; in other cases, he had to refer to the decision of the commanding General. Clause 72, on page 40, would show this; and, under the circumstances, he did not think this power of the provost marshal was in excess of the requirements of warfare.

MR. O'CONNOR POWER said, two statements had been made, not very well reconcilable. The hon. and learned Member for Stockport (Mr. Hopwood) had been charged with engaging in a debate upon a subject on which he had no knowledge; and, later on, his hon. and gallant Friend (Major Nolan) had been alluded to as the instigator of certain proceedings in connection with this subject. Whatever want of knowledge there might be on the part of the hon. and learned Member for Stockport was fully made up by the practical experience of the hon. and gallant Member for Galway (Major Nolan). Why did the

hon. and gallant Baronet (Sir Henry Havelock) allude so positively to the action his hon. and gallant Friend had taken; and what was the meaning of the wild shout from the opposite Benches when the observation was made? The only interpretation he could put upon it was that it was an attempt to intimidate the hon. and gallant Member in the discharge of his duty. It was not the first time that intimations had been made to hon. Gentlemen connected with the Service, who chose to adopt a peculiar line of policy, that they would be marked men. If that was what was intended in the present instance, the sooner it was known and understood in Ireland the better; and he was glad his hon. and gallant Friend had met it in the spirited way he had; and, if the hon. and gallant Baronet expected to limit opposition by his remarks, he had mistaken his man. With reference to this subject of flogging, he did not intend to go over the ground occupied by other hon. Members; but it was surprising to him that when Parliament said that there should be a regulation whip used in the Prisons and in the Navy, that the authorities at the Horse Guards had not adopted a similar regulation in the Army; it was a matter to which the Secretary of State for War would do well to direct his attention. In the case of the prison rules and regulations, it was required that a copy should be laid on the Table of the House. A similar course might be adopted with the Army whip, so that Members might test the weight of the instrument; and, even if so disposed, subject themselves to the discipline, and so get practical knowledge of what the poor fellows suffered whose backs were lacerated. On whom should rest the stigma of calling the Army a collection of scoundrels and blackguards? Certainly not on those who endeavoured to get the punishment of flogging abolished in the Army. This was a most serious subject; and, as they had failed to induce the Government to make the slightest attempt to meet the Amendment, he hoped no division would be taken to-day. He trusted the right hon. and gallant Gentleman the Secretary of State for War would not press this matter any further; but that he should be allowed to adjourn the question until he had more time to give it consideration.

MAJOR NOLAN said, the hon. and gallant Baronet (Sir Henry Havelock) had impugned his statements, and had referred to Clause 72, which authorized the appointment of provost marshals. But the law with regard to provost marshals was extremely strained, or the facts which he (Major Nolan) had referred to would not have happened. He had been speaking of the law as it actually existed, and not of this Bill. He (Major Nolan) had carefully read the clause in this Bill, and he failed to find what had been stated by the hon. and gallant Baronet. He thought provost marshals might flog men for almost anything under the clause. He wished hon. Members to see this clause, and to examine the powers given under it. Certainly, as to the class of evidence, the clause was terribly stringent; because it said that the provost marshal himself might see the offence committed, or one of his assistants might see it; while the provost marshal could have any number of corporals, or lance corporals, or even private soldiers as his assistants. This provost marshal had it in his power to flog men for the most trivial offences; so that where they found the clause simply protecting the soldier for an offence he did not commit, then, on the other hand, it allowed the provost marshal, practically, to flog for almost anything. For instance, the clause said—

“And the powers of such provost marshals shall be regulated according to the established usages of war.”

Now, that simply meant that if anyone in the camp said he had known a man to have been flogged for such and such an offence—it might be 20 years before—then that might be construed into a warranty for flogging. In another place it said—

“The General or other officer commanding the Forces on active service shall cause the provost marshals to exercise the powers intrusted to them in such manner and under such circumstances as he may consider to be best calculated to prevent and instantly to repress offences injurious to the discipline of the Forces under his command and to the Public Service.”

On the whole, he should say there never was a clause drawn up more expressly to cover every possible case than this clause. But he would turn to the latest and best evidence that could be got—namely, the last Blue Book from Zululand, and he defied the hon. and gallant

Baronet to say that the men were not there flogged in large numbers for the most trifling offences. True, they were Zulus, and not European soldiers; but he had himself seen Europeans flogged for very nearly the same things, and they now found that those things were going on at the present moment. He did not see what better evidence they could have than this book, which was published on the authority of the Government. The provost marshal, it seemed, did not keep the returns; but there were statements in this Book which were supposed to be correct. He should like either the hon. and gallant Baronet, or the hon. and gallant General (General Shute)—who had been out with large Armies, and both of whom had had larger Forces under their command, and more experience than himself—to say whether five men, or even 10 men, had not been flogged every day amongst those Forces? Could they say they knew that was not the case? Had they made inquiry to satisfy themselves that in a Force, say, of 20,000 men, that was not the common average? They would not know, perhaps, unless they took the trouble to ascertain the fact. But he believed that in every British Army in the field a very fair amount of flogging usually went on—it was such a very convenient punishment. They had nothing to do but to catch a man and to tie him up to the nearest post, and give him 20 lashes, and say nothing more about it. It need not be reported to anybody, and there the matter ended. He dared say the man would not commit the same offence again. He dared say the punishment was tolerably effectual; but its great merit was that it was so extremely convenient, and because it was convenient it was used, and that was the reason of its retention. He should like to see it abolished altogether, if possible. He acknowledged he did not hope to get it abolished; but he intended to propose such Amendments as would limit it down to what had been stated in that House should be the limit—that was to say, to limit it to cases in which foreign nations used it. That, he thought, would diminish it by 9-10ths.

MR. JACOB BRIGHT said, a great many references had been made in the course of the debate to the hon. and gallant Baronet the Member for Sunder-

land (Sir Henry Havelock), and he was not surprised, seeing that his was the only speech which had been made in the debate in favour of the necessity of flogging. Well, he (Mr. Bright) congratulated hon. Gentlemen opposite that they had left to that (the Opposition) side of the House the task of defending that unfortunate institution. But the speech of his hon. and gallant Friend the Member for Sunderland had, he thought, entirely failed in convincing anybody that flogging was necessary or desirable. If he (Mr. Bright) had previously been in favour of flogging, he thought he would have been convinced by that speech of the folly of it. Why, the hon. and gallant Baronet made a deliberate statement that in the Zulu and Afghanistan Wars not a single individual had been flogged. There had been no necessity for flogging in those two wars; and he further said that he believed that when the Zulu War had ended, it would then be found that nobody in the Army had been flogged. Surely, he (Mr. Bright) might appeal to the hon. and gallant Baronet, and ask him to give up this wretched rag which still remained, after so much had been removed and reformed. He would ask him to give that up, as we could so well do without it—that we could carry on two wars without any necessity for using the cat. When the question was last debated before the Recess, he remembered the argument relied on by those who defended flogging was this—it was said it would be impossible on the line of march to find a substitute for it, and that, therefore, they must have flogging on the line of march. Well, the hon. Member for Meath (Mr. Parnell), in the course of this debate, had shown, he thought, very clearly that there were other deterring punishments that might be adopted; and although his hon. and gallant Friend the Member for Sunderland referred to the speech of the hon. Member for Meath, he did not deal with those substitutions which the hon. Member for Meath suggested. On the contrary, he dealt with only one of those suggestions, which he seemed to think was somewhat ridiculous; but not with the others, which were of more importance. The hon. and gallant Baronet said this was a most disgraceful punishment. Yes, it was disgraceful to the individual who received it, disgraceful to

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the Army wherein it existed, and, in his opinion, disgraceful to the country which permitted it. He believed this country would stand better before the eyes of foreigners by abandoning this punishment, as they had already abandoned it. He trusted that when the hon. and gallant Baronet reflected a little more on the matter, he would assist those who objected to this disgraceful punishment in getting rid of it. He (Mr. Bright) believed, as the hon. Member for Burnley (Mr. Rylands) had said, that this punishment kept men out of the Army who would otherwise come to it, and that it lowered the standard of the Service.

SIR HENRY HAVELOCK remarked, that a pointed allusion had been made to him by the hon. Gentleman who had just sat down, and for whose opinion he had a just respect. He must compliment his hon. Friend on the very marked contrast between the tone of his moderate speech and that of those very excited speeches which preceded him from hon. Members a little lower down.

It being 10 minutes before Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at a quarter after Nine of the clock.

MOTIONS.

LONDON SCHOOL BOARD EXPENDITURE.—RESOLUTION.

MR. J. R. YORKE, in rising to call attention to the rapidly increasing expenditure of the London School Board, and to move—

“That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist;”

said, it would not be necessary for him to go into the whole question of education, or beyond the financial question arising out of the proceedings of the London School Board, inasmuch as, these being hard times, and times in which they ought to look narrowly into all the

different items of expenditure, which pressed heavily on the ratepayers, the only matter with which it was necessary for him to deal was as to the channels into which the expenditure of the country flowed. The taxpayer had many friends, who sought a cheap popularity by pecking at small economies. The ratepayer had fewer friends, who were stauncher, and had made stubborn fights in his behalf. It was always assumed that education was a pearl of great price, and the particular branch of expenditure that affected education had not any attractions for the popular speaker; but the time had come when all real economists should scrutinize very carefully the cost of education in this country. He proposed to confine his remarks to the area of the Metropolis, and, as far as that area was concerned, he should be able to show that the expenditure for educational purposes had been so excessive as to be dangerous, not only to the cause of economy, but to the cause of education itself. He thought a review of the Metropolis in its efforts on behalf of education in late years would show that education had not been advanced by the action of the London School Board, notwithstanding its extravagant expenditure, and there was evidence that a strong necessity existed for the Government to impose some check upon this action. He proposed to call attention to the financial position of the School Board in 1871, 1875, and 1879, and then to inquire into the causes of the absolute and relative cost of the system; how far it was due to defective machinery; or the unsound policy of the Act; or to extravagant administration; and to specify the different heads under which it showed itself, and to point out one or two ways in which it might be remedied; for it was supposed, when the Education Act was passed, that in London the School Board rate would not amount to more than from 2*d.* to 3*d.* in the pound; but this estimate had been very much exceeded. At that time, the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) said the rate would not exceed 3*d.* in the pound; the right hon. Gentleman the Member for Greenwich stated the same thing; and the now Leader of the House (Sir Stafford Northcote) moved an Amendment, that any sum beyond that amount should be divided equally

between rates and taxes. The hon. and learned Member for Oxford (Sir William Harcourt) also saw that it was absolutely necessary to limit the rate; and he (Mr. Yorke) looked forward to the hon. and learned Gentleman's support that evening. It would be well for hon. Gentlemen to bear in mind that a rate of 1*d.* in the pound produced £100,000 a-year. In 1871 the first School Board for London provided schools for 104,000 children, at a cost of £11 per head, which was defrayed by the imposition of a rate of 2*d.* in the pound. He contended that, although the Education Department was powerless to remedy the existing state of things, there was yet a means of applying legislative agency to cure what was generally admitted to be a crying evil. In 1875 the state of things had alarmed the Vestries of the Metropolis. They met together, and determined to wait upon the noble Lord (Viscount Sandon), who was at that time Vice President of the Education Department. They stated, in the first place, that the neglected classes only should be provided for, whereas at that time many other classes were provided for. The Duke of Richmond, the President, in answer to that, said that the neglected classes were those to whom the Act was in the first instance intended to apply, but that they would hardly get the right hon. Gentleman the Member for Bradford and his Colleagues to agree that it was not intended for other classes of the population. They said that sites too near to voluntary schools had been selected by the School Board. To that the noble Lord (Viscount Sandon) replied, that in many instances the Education Department had restrained the School Board from building too near to voluntary schools to interfere with their action. They also complained that the standard of education was too high. The answer was that that was a question for the ratepayers, and that the Education Department could not go into all those matters; that it had no right to restrain the action of the School Board unless it acted improperly; and that if the ratepayers thought the standard of education was too high the remedy was in their own hands. In that year the rate rose to 4½*d.* in the pound, and the average net cost for the education of the children, estimated for the year ending March, 1880, was £1 13*s.* 6*d.* per head on the rates; whereas in 1875, the

average net cost per head was £1 2s. 9d., which had to be defrayed out of the rates. Coming to the year ending March, 1880, the Board had already borrowed £3,184,500, and the rate to be levied this year would amount to £551,247, equal to 5½d. in the pound on £24,000,000, the rateable valuable of the Metropolis. The increase last year was equal to £58,000. The Board stated that the total number for which accommodation was to be provided was 261,237; and, in the course of the next three years, they proposed to borrow £1,355,852, which, added to the sum already borrowed, would bring the total to £4,540,532. These figures showed that their loans had been increasing, and would continue to increase, at the annual rate of £500,000; and, looking to the future, it might be expected that in three years from the present time the rate would be 8d. in the pound. He thought he was not overstating the case in saying that, and that the expenditure of the Board would go on increasing at the rate of £75,000, for which a rate of ¾d. in the pound would be required. Indeed, the possibilities of the increase of the rate might be described as indefinite, if not infinite. If what he had stated did not reveal an alarming state of things, he did not know what would. This increase, it should be remembered, was exclusive of the present increase of the population. In these bad times, did anyone suppose that the cost of sites and buildings continued to increase? It was far more likely that it had decreased. In 1871 the cost of sites and premises averaged £11 per head of the children provided for; but now it was £20 17s. 7d. There was no reason whatever why this should be so, as labour and materials were not more expensive now than they were in 1871. The Education Department had pointed out that in 10 schools the cost per child for premises amounted to £23, while in two schools it reached £41, and that the final cost exceeded the preliminary estimate by 38 per cent. The cost of teaching was, in 1873, 12s. per child; in 1875, 16s.; and in 1878, 21s. 6d. There was no reason whatever why there should be this gradual increase. He thought it was to be accounted for by the fact that there was an impression on the School Board that no cost was too great to pay for education, and that when they had a large fund to draw

upon it was a comfortable thing, and they might go on drawing from it without compunction.

"*Suave est ex magno tollere acervo.*"

Of seven of the largest towns in England, London stood first, with a cost of £2 13s. 5d. per child, Liverpool coming next at £2 7s. 4½d., and Sheffield standing the lowest, with a cost of £1 19s. 6d. per head. Whichever way they looked at the matter, they would find that the cost of education under the London School Board was more expensive than the same kind of education elsewhere; while, with regard to getting in the fees, on the contrary, the case was just the reverse. In that respect the London Board schools stood far below the voluntary schools. They were at the top of the list in expenditure, and at the bottom in getting in the fees. The present system was Communistic in its working. Elementary education, like physical existence, was guaranteed to everybody by the State from motives of public policy. This was very proper; but the moment they outstepped the limits of what was reasonably necessary they trenched upon Communism. Every man had a right to live, but not to live luxuriously; and, in the same way, all had a right to be educated, but not to be educated luxuriously. The Act of 1876 laid down the principle that it was the duty of every parent to educate his child; but in London it was practically the rates that educated the children, while the parents paid only a small subsidy. The cost of education and accommodation was about 16d. per week for each child, of which sum the parents paid on an average only 2d. Moreover, as a matter of fact, the lowest class were not educated at all, though it was their ignorance which formed the pretext for all this expenditure. The other day he had gone with his hon. Friend the Member for South Leicestershire (Mr. Pell) to visit the parish of Limehouse, in the East End of London. They found that before the passing of the Act there had existed several large ragged schools in that locality for the poorest class of children. These schools were now closed, being superseded by the Board schools, and the children who were formerly taught in them were left to run about the streets. Around an organ-grinder they were able to count

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about 50 of these children dancing to the music within 300 yards of a School Board school, which they subsequently visited and found to be filled with children belonging to quite a superior class, the parents of some occupying houses of from £40 to £50 per year rating. They inquired how this was, and were informed that even if the ragged children came to the Board schools they were dismissed on trivial pretexts, such as want of cleanliness, their places being filled by the class of children to whom he had just referred; and the reason for this was quite obvious—the master had a direct interest in passing as large a number of children as possible, and he found the better class more remunerative. They were even told—though he could not vouch for the truth of the report—that there was connivance between the schoolmasters and those who worked the public machinery in order to bring this result about. The middle-class schools in that district were being destroyed by the Board schools, and numbers of brass plates had now disappeared from the doors, although they had reduced their fees to the lowest possible amount. In one of the schools young ladies learnt music, and drawing, and French, and they were told that some of the scholars lived beyond the London district, and actually came in by train in order to attend the school. The master, when asked if this was so, said he discouraged it as much as possible. The master of the Bethnal Green School provided some 60 books, costing about 5s. each, as prizes for his best scholars. This was a sort of mutual co-operation; the master gave the good scholars books, and the good scholars by their attainments were remunerative to the master. This was the way in which the fees were being used. They were, practically, trespassing on the ground of middle-class education, and providing for the well-to-do classes an education at the cost of the public, and the same results had occurred in other districts. In a letter to *The Times* to-day Mr. Rodgers said that it was ludicrous to maintain that too many schools were being built. Of course, if they continued to pursue the present system, they could not build schools enough. The more schools there were the more the middle classes would come in to fill them up, and the ragged children outside would not be touched, because it was to everybody's interest to keep them out. Their

whole policy must be altered. Another point important to be observed was the decrease of the voluntary schools. The Marquess of Ripon had said in the House of Lords that it should be our object to maintain and foster the existing system; and the right hon. Gentleman the Member for Bradford had declared that we must take care not to destroy the existing system in introducing a new one. In spite of these declarations, there were cases now in London in which the voluntary schools were being starved out, because they were underbid by the Board schools, which, in many cases, seemed to be established with this very object. In the parish of Limehouse, for example, within half-a-mile of the parochial schools, seven Board schools had been established, most of which charged only 1d. where 4d. had been charged before, and an eighth was being built. The result had been that the children in the voluntary schools had been reduced from between 2,000 and 3,000 to 500. In St. John's, Walworth, the attendance in the voluntary schools had been reduced from 1,500 to 900, and in Plumstead they were about to be given up. Their action was also detrimental to the discipline of the voluntary schools. It was a great advantage to a Board school teacher, from a pecuniary point of view, to get as pupils children whose education had been already rough hewn in the voluntary schools. In some cases there was an absolute refusal to take in gutter children. He would not weary the House with instances of voluntary schools being closed in consequence of the competition of the School Board schools. They were numerous. Only the other day he heard of a voluntary school in Westminster being closed after being in operation since 1830. It was more important to examine the relative cost of the two systems, and with that view he would premise that there were three factors in the finance of these schools—in the voluntary schools, subscriptions, fees, and grants; and in the Board schools, rates, fees, and grants. Let them omit the two last factors in each case and compare the cost of subscriptions and rates. When they had done so, the House would, perhaps, be surprised to find that the annual cost of the maintenance of children in voluntary schools was only 8s. 10½d., while in School Board schools it was £2 7s. 10d., or a little more than five

times as much. In other words, for every child that could be educated under the School Board system five could be educated under the voluntary system; and the educational results, as shown by examinations, were within a trifle the same. Hon. Members must surely be very much enamoured of the School Board system of compulsion, if they thought it worth while to undermine and destroy the voluntary system, in order to substitute one which was so expensive and troublesome, and which produced no better result. The London School Board schools cost in building £20 17s. for each child; and they contained, as a rule, 800 places, and the certificated teachers were in the proportion of one to every 60 scholars. The average annual value of the head-master's place was estimated at £250; but many head-masters had £300, and some in exceptional cases as much as £400, £500, and £600. The average annual value of the head-mistress's place was £150, and that of the assistants from £100 to £150. A very objectionable feature of that payment was that part of it depended upon the passes at the Government examination; for the head-masters under the London School Board obtained half the education grant, which was, on the average, 15s. per child, and the other half was divided among their assistants. Thus, the ratepayers were first rated to maintain all this expensive machinery, and then taxed just in proportion to the success it achieved. Now, that, he contended, was a misapplication of the system of education grants, which were originally designed to stimulate voluntary effort. The schools, in his opinion, ought to receive grants, not in direct proportion to the amount of money they managed to extract from the pockets of the ratepayers, but in inverse ratio. The result of giving them indiscriminate aid was that since 1874 the education grant, which was, of course, paid out of taxation, had increased from £2,100,000 to £3,600,000, and there was no prospect of its diminishing. It appeared to him, also, that, considering the large class of Visitors and Superintendents, the compulsory clauses of the Act were not very satisfactorily carried out. The result was that the attendance of middle-class children was encouraged to the exclusion of the class which most required education. Occasionally, however, the

agents of compulsion made themselves odious by cases of hardship. One of these he heard the other day from Mr. Serjeant Cox. A blind man's son, who had passed the 1st Standard, surreptitiously left school and took service as a page. Before he had been long in his place he was discovered by one of the School Board officers, stripped of his buttons, and sent back to school in rags to learn the higher subjects, and the blind man presumably suffered in consequence. He now came to the details of the alleged extravagance of the School Board. There was first the machinery of compulsion. The estimated increase on that head this year was from £18,000 to £19,000. It consisted of 11 Superintendents and 213 Visitors, and the establishment was unsatisfactory, because there was no means of supervising its action. When one came to look at the budget of the School Board, one was struck by the enormous scale on which everything was conducted. Everybody seemed to get about 50 per cent more than similar persons in other departments of life. Not to speak of the famous 400-guinea carpet or the general furniture of the School Board offices, which was said to be exceedingly sumptuous, he found that they did things in what might be thought very handsome style. For instance, they had three Inspectors at £450, one at £375, and one at £350; one singing Inspector at £300, one deaf-and-dumb Inspector at £300, one needlework Inspector at £175, one kinder-garten Inspector at £190, one Inspector of the blind at £90, one drill Inspector at £170, which was a handsome addition to the pay of a retired sergeant; one shorthand clerk at £375. Even the messenger was well paid, for he had £80, and the hall porter £75. This was an arrangement with which everybody would be satisfied, except the ratepayers. In the architect's department the architect had £1,000 a-year, with an assistant at £360; an inspector of furniture, £245, with two assistants at £139 each. The total cost of the architect's department being £4,495. He now came to the details of the *Shaftesbury* training-ship. It was originally called the *Nubia*, and the Home Secretary approved of the purchase, on the understanding that it should cost not more than £15,000. It was to receive 350 boys under the age of 12.

The result was that the total amount expended, instead of being £15,600, was £43,474 14s. 8d. That startled the Board, and they accordingly appointed a committee to investigate the matter; and, to do them credit, they did not attempt to screen the members responsible for the extravagance, and freely criticized some of the details of the expenditure. They reported that there had been unnecessary expense—amounting, in some cases, to extravagance—in the mode of furnishing the vessel. Referring to special items of expenditure, they pointed out that two rugs were bought for the ships at a cost of £16 each, and three carpets at a cost of more than £18 each; £36 had been spent in furnishing a seat in the stern of the ship; 12 rugs had been provided at a cost of 21s. each, and nine Caspian rugs at a cost of 30s. each. These rugs had been placed in various parts of the ship, and even in the quarters of the carpenters and stokers. The committee recorded their opinion that the articles mentioned above were entirely unsuited to an industrial school. They regretted that extravagant sums should have been spent on Oriental rugs, and on the fittings of two rooms intended for members of the Board on the occasions of their visits to the ship, and in the purchase of a piano for the use of the captain's wife. The cost of furnishing these rooms amounted to £273 19s. 8½d. One of the most remarkable things, however, to which he wished to call the attention of the House was the fact that the staff of officers for the ship was complete and costing a large annual sum at a time when there were hardly any boys in the vessel. At the end of August there were on board the ship only 30 boys, 17 being the number of the officers, who were being paid at the rate of £1,758 per annum. The number of boys on board had, no doubt, increased since then; but as yet the vessel had not her full complement, although the staff had been complete ever since August. In fact, the vessel was not expected to receive her full complement of boys until 1880; and yet, with these naturally inadequate duties to perform, the salaries of these officers had already been increased. He would compare the cost of the boys on board the *Shaftesbury* with the cost of the boys in Greenwich Hospital School, which was a very suc-

cessful school maintained by the Admiralty. In the ship the average cost of maintenance for 350 boys was £25 per head, the average cost at Greenwich School for 983 boys being £18 12s. 7d. per head, a result which was highly creditable to the Admiralty. Again, the gross amount of the salaries of the staff in Greenwich Hospital School was only £2,716, or one-third more than the gross amount paid to the officers in the *Shaftesbury*, which was now £1,958, though the number of boys in the former school nearly trebled the number of those in the latter. What he mainly objected to, however, was the kind of teaching which was carried out. The compulsory teaching provided in Board schools should not, he maintained, go beyond the three R's. That amount of education was all that the State owed to the children. Any additional subject should be optional and paid for by the parents. Great expense was caused by the presence in all Board schools of teachers competent to teach a host of subjects in addition to the elementary ones which he had indicated; for he found the ordinary course not only included them and Bible knowledge, but also book-keeping, mensuration, elementary instruction in physical science, the history of England, elementary geography, and elementary social economy, whatever that might be. A knowledge of the last-named subject was, he thought, very much needed by the members of the Board themselves. To these might be added music, drill, and several other accomplishments. The subjects which he had named were the ordinary compulsory ones; but there were others which were discretionary, and which presented a still more formidable curriculum, as it included Euclid, Algebra, physical geography, French, Latin, chemistry, animal physiology, botany, and many other equally abstruse subjects, the understanding of which would be an education suited to the higher classes of society, domestic economy being one of them. Why domestic economy should be discretionary, when social economy was compulsory, he quite failed to see. Anyone who should go through all the subjects taught by the Board would issue forth into the world better furnished for the battle of life than many hon. Members who had received expensive educations.

["Hear, hear!"] Yes; but he wished those who cheered to recollect that these children were expected by the Board to learn all these subjects while they were between five and 10 years of age; but they were enough, if properly followed out, to occupy for a long time the attention of persons of mature years. The House would, therefore, be able to imagine what a hopeless hotch-potch the head of the boy would be who had drilled into him, before he was 10 years of age, the rudiments of the many different subjects to which the Board turned the attention of its scholars. He held that common sense suggested that if rudimentary education of this character was to be imparted by the Board to a child, it should have some practical reference to the object of the child's life—to the pursuit by which he was to gain his bread; that the boy who was to become a groom should learn how to manage horses, and that the boy who was to become a gardener should learn to dig. Boys who were to be artizans, and who were turned out into the world with a certain amount of knowledge of albumen and other abstruse matters belonging to organic chemistry would hardly digest the information that had been decanted into them. As instances of the confused ideas which children so universally instructed carried away with them, one was that at an examination he had heard a question asked what was a monitor, and the answer quickly given was, "an iron-clad." Then, again, in a girls' school, when the subject was "Milk as the best possible food," one girl said it was so, because God made it; another, because puppies and kittens thrive on it; and, another, because it contained starch. He would go no further into that branch of the subject. What he wished to show was that, at the present time, there was no effectual check upon the action of the Board. The Education Office, the Local Government Department, and the House of Commons had left the whole thing in the hands of the School Board to do practically as they liked. Of course, he knew that the Education Department in the pre-compulsory epoch, was invented for the purpose of stimulating the action of voluntary schools; and it was no wonder that, after having so long applied the whip and the spur, they should find themselves unable to apply the curb to

Board schools. Practically, all they had done in regard to the Board was to say—"Well, gentlemen, so long as your constituents do not pull you up, we do not feel it necessary to interfere." Lately, however, a change of policy had been adopted by the Department; and in stopping the supplies they had, he was glad to say, surprised the Board with reference to financial matters, and had placed them in a somewhat awkward position. The Board, in the correspondence in the hands of hon. Members, however, had declined to admit that they were the least in the wrong, and they gave no sort of assurance that they would confine their expenditure within proper limits. The Local Government Board had since then taken the matter in hand, and their Auditor had surcharged the Board with the charge for interest on temporary loans. The Law Officers of the Crown, who had been consulted on that proceeding, were, unfortunately, at variance; and while the Attorney General upheld the Board, the Solicitor General upheld the Department. Meanwhile, it was evident that the Board had not repented, for it was now endeavouring to borrow another £20,000 of the Bank of England for temporary purposes; and what was there to prevent them doing so—from borrowing money at interest whenever they wished to carry out any new proposal? He was glad to see that the Bill of the Government in regard to the Public Works Loan Commissioners would have some effect in checking the action of the Board, inasmuch as it would restrict its borrowing powers to £100,000 per annum, and spread the re-payments over 30 instead of 50 years. The House, however, would remember that that would impose no real check, unless something could be done to prevent them from obtaining these temporary loans. They would only go into the open market, where they would have to pay a higher interest, so that the last stage of the ratepayers would be worse than the first. He thought he had shown that the Board had indulged in excessive expenditure of which no probable end—unless it was stopped—could be seen, and that, therefore, the subject was one which urgently demanded attention from the Government. He wished to cure those evils, and thought that, in accordance with the resolutions recently adopted by delegates in the Metropolis, a limit

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ought to be placed on the amount of the School Board rate. In 1870 a limit of 3*d.* was suggested; but that, alas! was a limit to which there was now no chance of reverting, still he thought some limit should be fixed. Again, when the Board wished to build new schools he thought they ought to be compelled to come to Parliament in the same way as any other municipality which wished to execute public works, and before they obtained consent be compelled to prove their necessity to a Committee. He thought, moreover, the rate-defrayed educational standard ought to be limited to "the three R's," and that anything and everything beyond that standard ought to be paid for by the parents. Then, again, the payments for results should be less in rate-supported schools than in voluntary schools; and he thought undue competition with voluntary schools should be further limited by fixing the maximum fee in Board schools at 2*d.*, as, if they got below that sum, they underbid the voluntary schools and made the Board schools practically free schools. There was one other suggestion which he would add, and that was that the School Board rate should be collected separately and not added on to the other rates, for the first necessity was to bring the situation home to the people who had to pay. If it were separate, those who paid for it would, at all events, see, not only what they had to pay, but what they were paying for. He would say, in conclusion, that he had moved in the matter as a friend of economy in the first place; but he hoped he would not be regarded as opposed to education. He was willing to admit that the London School Board had done a great deal of work; for, while it had not educated a large number of children who ought to have been educated, it had, doubtless, provided for many who would not otherwise have been touched, although it had done it at an enormous expense; but he thought that if the Board continued to indulge in such an educational carnival as had for some time been going on, they would soon witness a violent re-action in the public mind, for that educational hot fit would soon be over. In his opinion, it would be a cause of regret if the policy of 1870 had to be revised. For the reasons which he had stated, he begged to move the Resolution of which he had given Notice.

SIR BALDWIN LEIGHTON: I beg leave to second the Motion of the hon. Member for East Gloucestershire (Mr. J. R. Yorke). It is not my intention to traverse the ground or the figures already gone over so ably by him; but rather to confine myself to a few facts and some suggestions; to concentrate the observations I shall venture to trouble the House with on them, and to be rather practical than statistical. It is quite unnecessary, I trust, to disclaim any Party feeling in this matter. Fortunately, the cause of education among the poorest classes has not yet been made the battle ground of Parties, and I trust it never may be. What discussion there has been on the subject has been chiefly on religious or denominational ground. Well, I will say at once, I do not intend to refer to that, and I trust no one else will. It has ceased, I believe, to be a difficulty in the way of education. But what I desire to premise is the ground on which I second this Motion, in which my hon. Friend agrees; but, perhaps, he did not make it as clear as could be desired. It is not expenditure, *qua* expenditure, if the work were thoroughly done that we find fault with. It is that the work is not done, though all this expense is incurred, and that, in some cases, even the work seems to be getting undone. In short, it appears to me, and I shall submit the facts with perfect frankness to the judgment of the House—it seems to me that the spirit of the Act is not carried out. We are not, therefore, in hostility to the School Board or the Acts, which I quite acknowledge to be an urgent necessity of the times; but I want to see it made more efficient, and, if possible, more economic. I want to see the work effectually done without any further waste of time or money, in the spirit of the Act, which should not any longer be used to undo the work of the voluntary schools. From that point of view, it might, perhaps, have been better to have asked for a Select Committee for inquiry, in which the School Board might have answered, if they could, some of the facts brought forward, and a few impartial and earnest men might have considered if the spirit of the Acts could not be better carried out; or else the Act itself amended. Now, Sir, let us see what are the Acts and their spirit; and then, what are the facts and their results. There is the

main Act of 1870, and the two Amendment Acts of 1873 and 1876. It is hardly necessary for me to quote the words of these Acts; they are familiar to every hon. Member who has attended to the subject. The main principles are three:—First, that there shall be schools provided within reach of every child; 2nd, that the children shall be compelled to attend; 3rd, that the teaching shall be efficient. The Act of 1873 recites particularly that schools shall not be built unless the Education Department is satisfied of their necessity; and that the rates shall only be used for purposes of elementary education. The Act of 1876 provides that Boards of Guardians shall be the attendance committee where there is no school board, and particularly dwells on the responsibilities of parents and their liability to provide education for their children. But now, what is the spirit of the Act, and where are we to look for it? Why, in the speech of the Minister who introduced the Act, and who represented the mind of his Government and the purpose of his Party—the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster). In taking the liberty of reading a few sentences from that speech, I should like to say I not only entirely agree in them, but I agree in every word of that speech, and if the right hon. Gentleman will allow me to say so, it is an utterance, not only of the usual ability and sound sense of the right hon. Gentleman, but shows a statesmanlike foresight of what might happen if certain courses were followed; it contains a creation and a forecast of facts which have, I fear, been fulfilled in some cases contrary to his intention. In that speech the right hon. Gentleman said—

“First of all, we must not forget the duty of parents. Then, we must not forget our duty to our constituencies, our duty to the taxpayers. . . . Still, we must remember that it is upon them that the burden will fall. And, thirdly, we must take care not to destroy in building up—not to destroy the existing system in introducing a new one. In solving this problem there must be, consistently with the attainment of our object, the utmost endeavour not to injure existing and efficient schools. . . . The main principles. . . . are two in number. . . . Legal enactment, that there shall be efficient schools everywhere throughout the kingdom. Compulsory provision of such schools if and where needed, but not unless proved to be needed. . . . Who are to pay for it? . . . Shall we give up

the school fees? . . . I at once say that the Government are not prepared to do it. The parents paid in school fees last year about £420,000. If this scheme works . . . that £420,000 per annum would have to be doubled, or even trebled. Nor would it stop there. This would apply to the elementary education chiefly of the working classes. The middle classes would step in and say—‘There must be free education also for us, and that free education must not be confined to elementary schools.’ . . . The cost would be such as really might well alarm my right hon. Friend the Chancellor. . . . We do not give up the school fees, and, indeed, we keep to the present proportion—namely, of about one-third raised from the parents, one-third out of the public taxes, and one-third out of local funds.”—[3 *Hansard*, cxcix. 443-4, 454-5.]

That is the spirit of the Act of 1870, as set forth by the right hon. Gentleman opposite, the Member for Bradford, who introduced it. Well, such are the Education Acts and the spirit of those Acts; but what are the facts? I have thought it better to confine my examination to one district which I have taken at haphazard, District A on School Board block plan, which represents Westminster. It was found that there were 8,000 children in that district, and accommodation for all but about 150 already provided by voluntary schools. Let me say a word here about educational statistics; they are thoroughly fallacious, even if the number of children exists which they compute; their deduction for absentees is very much below the right number. They allow for 5 per cent absentees, and sometimes for as much as 10 or 15; but the real number should be 25 to 30. You cannot get more than 75 per cent into the schools, experience shows, especially in a place like Westminster. But supposing we accept these numbers, the offer was made to provide the additional accommodation required, which was at once rejected, and the School Board determined to provide for 620 children. Now, that is not, I think, the spirit of the Act. Besides, it is evident that so small a number as 150, or 2 per cent on the whole number, would be certain to be absorbed by truant schools or industrial schools. But let all that pass. I maintain that, before they were entitled to build, they were bound to see that the existing schools were filled. And then a very important point arises. The London attendant officers or visitors, as they are called, do not seem to think it necessary to see to the attendance at

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voluntary schools, but only their own Board schools. That is surely a great weakness in the whole administration. It is like pouring water into a sieve. I do not see how you are ever to get the children educated at that rate, until you have covered London with Board schools and destroyed every voluntary school, at a cost of £1,500,000 a-year or more. Well, this school was built in the Horseferry Road, and what was the result? One school with 370 places was immediately closed, and six or seven more had half their scholars taken from them to fill this Board school. Out of the 600 children who came into that school there were only 20 who were not taken out of voluntary schools. Sir, is this the spirit of the Act? This is not supplying a demand; it is destroying a supply; it is creating a hiatus. Meanwhile, the "wastrel" children are still about the streets; and I believe it could be shown that after eight or nine years of expenditure there is not a single child in Westminster being educated, or being better educated, who was not being similarly educated before the Act, for there are 500 or 600 places more in the district than are required. It might be said the people are too poor to send their children. That is not the case. I visited at a ragged school, under Government inspection, which was only half full—60 children—where there was room for 120. They took in barefeet children and charged nothing. As regards these ragged schools, I would not say one word about the managers or promoters of them. They have been, as it were, the volunteers or pioneers of the educational movement, and all honour to them; but it seems to me that to maintain in the present day an inefficient school, as some of these are, is an anomaly and an anachronism. If they cannot make them all efficient, they should reduce their number. And as I desire to be impartial, and perfectly frank with the House, I should like to say here that some of the charges brought against the Board in Westminster, at least, are unfounded; the education they gave was similar to the voluntary schools; their fees nominally the same, though there were some allowances for books, &c., which offered superior attraction, and I did not notice any unjustifiable expense thrown away on the buildings. It may be different

in other parts; but I speak only of what I have seen. But this is not all; not content with knocking up these voluntary schools, and having hundreds of places in excess of the number required, the Board next proceeded to build another school, and bought what is known as the Ebury Street site. Then, the Education Board stepped in and refused its consent. Sir, I ask again, is this the spirit and intention of the Act, as set forth in the words of the right hon. Gentleman opposite—

"The least possible expenditure of public money, the utmost endeavour not to injure existing and efficient schools?"

Surely, it is a travestie of the work intended. Then as to the expenditure. I must say a few words about the Shaftesbury training ship. My hon. Friend (Mr. J. R. Yorke) has gone over the items, so I shall only call attention to the form of the Report of the Committee of Inquiry. I do not wish to press this matter hard on the School Board, because I am informed that they acknowledge it has been a gross miscarriage of administration. But if the work in Westminster is a travestie of the Act, surely the Report of this Committee is a very parody of an inquiry. Out of a Committee of 10 only three sign the Report, less than one-third, and they condemn the extravagance, and point out certain informalities which I should have thought are illegalities. Two, being the principal offenders, write a separate Report of their own in justification; one, a lady—Mrs. Elizabeth Surr—with the courage and devotion of her sex, does rap out the truth in a solitary paragraph signed by herself alone, in which she says the Report conveys but an inadequate idea of the waste incurred and the conduct of the committee; and the remaining four members, including the Chairman and Vice Chairman of the School Board, decline to be responsible for anything contained in the Report. Sir, I have had some experience on Committees and as Chairman of Committees of Inquiry; but I never read such an extraordinary discussion as this. It is said, in mitigation, that this is the only case of extravagance. I should be glad to think so; but, unfortunately, several others have reached me. The central offices of the Board on the Embankment were to

have cost £40,000; but £70,000 has had to be paid. Then one school was built so near a bone boiler's premises that £4,000 had to be spent in buying him up. A reduction of 25 per cent was made in an estimate, owing to an observation of a member of the Board, in some schools at Sydenham. And there is the case of the Ebury Street site, which will have to be sold at a great loss. Speaking as one who has given some attention to Public Business and administrative economy, I characterize these as instances of reckless expenditure. I have limited these observations to a few facts; but there are other districts just as bad. In Bloomsbury, Board schools have been built in the midst of several voluntary schools, of which five have been closed and two half emptied; while one expensive master, at a salary of £250 a-year, is employed to teach a sort of rough ragged school of the lowest class. In Wandsworth, the same sort of thing goes on, and the wastrel children are still as neglected as ever. Now, what are the cures for this? It has been said that the system is in fault, not the members of the Board, who, excepting two or three, find it impossible to look into the finance, which is left to officials. Well, surely, they could sub-divide their districts. Then, a visitor of the School Board told an informant of mine that—"You—the voluntary agencies—can deal better with those gutter children than we can." Well, that is a candid admission. It seems to me, first speaking with great deference, that the School Board should be, in the first instance, an attendance committee, and then, where the necessity existed—that is, where they have managed to fill the schools—they should proceed to supply accommodation by building. They should not be guided by theoretic statistics, but by the fulness or emptiness of existing schools. Then, secondly, they ought to charge proper fees, and not remit them or wink at their not being paid, which is demoralizing to the children. If the scale of fees adopted at Bradford and Leeds were insisted on in London, it would bring in some £50,000 a-year more, and the parents could, no doubt, afford to pay it. Then there ought, lastly, to be some better audit and control. Supposing that after the rate exceeded 3d., which we were

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told was to be the maximum, one-half was payable by the Treasury, some such financial check well devised, we should have less of the reckless expenditure, because it would be some one's interest to look after it. But, Sir, if this system of displacing all the voluntary schools with expensive Board schools is to obtain, it cannot stop with London, it must extend to every town and every parish in England; and we shall have some £15,000,000 or £20,000,000 a-year charged on the rates with no better education given than now. That is a serious consideration. This London School Board has already got to loggerheads, however, with the Education Department and the Local Government Board, and a case is now being tried in the Law Courts on a surcharge of £16,000. I should like to make one suggestion here. There is a Commission sitting on the City Charities at present, and £100,000 or £200,000 a-year will have to be re-applied. I believe no better object could be found for some of these funds than secondary education arising out of elementary schools; something just above the three R's, which ought, no doubt, to be provided by the Board or by voluntary schools. Sir, I venture to hope that Her Majesty's Government may see their way to adopting the spirit of the Motion, and taking counsel, perhaps, with the right hon. Gentleman opposite (Mr. W. E. Forster), will see their way to bringing the expenditure and administration of this School Board into harmony with the spirit and intention of the Acts. I beg to second the Motion.

Motion made, and Question proposed,

"That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist."—(*Mr. Reginald Yorke.*)

MR. W. E. FORSTER said, he should be glad to have given way to any member of the School Board, either present or past. Two or three of those members were now in the House; and he (Mr. W. E. Forster) hoped they would hear from them some reply to the statements, he might say the charges, of the hon. Member for East Gloucestershire (Mr. J. R. Yorke). He (Mr. W. E. Forster) was glad to have the efficient help in past times of two very responsible members

of the School Board whom he now saw on the Government Benches. He referred particularly to his noble Friend who followed him in the Education Department (Viscount Sandon), who had worked very hard, and who, he had no doubt, would be able to give the House a good deal of information upon the matter, and his right hon. Friend the First Lord of the Admiralty (Mr. W. H. Smith), who, they all knew, had gained the good opinion of all classes in London by the work which he had done in connection with that Board. He (Mr. W. E. Forster) was, perhaps, more than anybody else, responsible for the School Board of London. He was, therefore, watching its proceedings with the greatest possible interest, not to say anxiety, remembering what a tremendous work it had to accomplish. The hon. Gentleman who brought forward the Motion said very little on what he (Mr. W. E. Forster) should have thought would have been an important matter; inasmuch as, while the hon. Gentleman thought it necessary for that House to protect the ratepayers of that great Metropolis against their own representatives,* he seemed to forget the very existence of the ratepayers themselves. At any rate, he did not assume that they were intelligent persons, well acquainted with the affair which was now brought before the House, that they were the people who paid the rates on whom this heavy tax lay, and who lived in the very centre of the intelligence of the Kingdom. They had plenty of newspapers, and plenty of gentlemen like the hon. Member who could state these matters to them in meeting after meeting. Was it necessary that the House of Commons should be called on to impose fresh checks on this Board, when the ratepayers had the best possible check already—which they had not in that House—namely, that the Board was only elected for three years, and it was in the power of the ratepayers of London, if they did not like their proceedings, to turn out their educational Parliament? He thought the hon. Gentleman ought really to have shown why it was they should protect the ratepayers against their own representatives. How did they know that the 3,000,000 or 4,000,000 composing the Metropolis would thank the House for stepping in, in the manner indicated by the hon.

Gentleman. It would be to say to the ratepayers—"We do not consider you are capable of doing your own business, and therefore we will do it for you." It was interesting to see, considering what a large portion of the Kingdom the Metropolis represented, how educational work had been going on there for the last few years. He (Mr. W. E. Forster) did not deny that this debate was likely to be of use; but the hon. Gentleman had stated only one side of the case. There was no harm in that side of the case being strongly stated after all, and it would afford good material for discussion in every vestry and public meeting before the next election. Expenditure had been mentioned for which this House was not responsible; but he did not think in any debate on Supply the House had seen such interest as was manifested on the other side. There was this difference—hon. Gentlemen were responsible in one case, but not in the other. The hon. Gentleman who had brought forward the Motion must excuse him if he did not go through all the items of expenditure to which he had referred; but he must not suppose that the charges which he made were unanswerable. It was easy for any gentleman to take hold of a large expenditure, and condemn it; but it was not easy, without notice, to be able to reply to any allegations that might be made. One or two of the items referred to by the hon. Gentleman, however, struck him as curious. The hon. Gentleman alluded to 400 guineas having been spent on a carpet. He (Mr. W. E. Forster) was informed, however, that this £400 for a carpet was an absolute delusion. He really hoped the House would look at the question with some sort of comparison in their own minds as to what had to be done. The Education Act was brought in in 1870. It was wanted in many parts of the Kingdom; but nowhere was it so much wanted as in London, because there was no part of the United Kingdom in which elementary education had been so much neglected. He was so impressed with the fact that he knew not how to deal with it. In fact, he at one time thought it would be impossible to put the Act in force in the Metropolis, and he thought they should have had to wait until its advantages had been shown elsewhere, and then get it applied to London; but

there were others—his right hon. Friend the First Lord of the Admiralty, and the hon. Member for Finsbury (Mr. W. M. Torrens) were among them—who had better courage, and they encouraged him (Mr. W. E. Forster) to include London in the Education Act, which he did. The result was, that in no part of England had the people more completely met the Government, acknowledging the want, and determined to do their best. An educational Parliament was, therefore, made for London—the School Board—which the House was now asked to check. The House should not forget what it was—a Parliament chosen by the freest possible suffrage—by the whole population of the Metropolis. Some respect ought, therefore, to be paid to it. It was elected by a population of 3,500,000, and was composed of very eminent persons. There was Lord Lawrence, its first Chairman; there was its present President, Sir Charles Reed, well known in that House for his ability, who had devoted almost every hour of his time for days and years to this matter. No one would deny that the ablest and most philanthropic men in London—and women too—had come forward in connection with this work, and had received the confidence of the enormous population of London. In 1871, when the School Board was formed, what was the state of things? Why, elementary education was required in the Metropolis for at least 560,000 children; but there were only places in efficient schools for 260,000 children, and the number of children on the register was 222,000, while the average attendance was under 175,000. He (Mr. W. E. Forster) must ask the House to consider what that meant. And yet the hon. Member now came forward, and said—"Stop this work; don't build any more schools." But he (Mr. Forster) contended that the work had not been completed yet, although a great deal of good had been done. Last year, on the other hand, the number of children on the register was 444,000, and the average attendance had risen to 350,000. That fact showed, as he said, that the work was still far from complete, although the number of children on the educational roll had been doubled since the passing of the Education Act; and he wanted the hon. Member to take notice of this fact—that the proportion of the average attend-

ance of children to school accommodation now was much larger, and not smaller, as he would seem to suppose. The average attendance now was about double what it was in 1870; but the school accommodation had nothing like doubled. There were still, he believed, from 150,000 to 200,000 children to be provided for. The hon. Baronet the Member for South Shropshire (Sir Baldwin Leighton) seemed to think that the Board schools were filled out of the voluntary schools, and he mentioned the cases of individual schools; but he (Mr. W. E. Forster) thought they ought not to go into individual cases in the consideration of the question. It might actually be as the hon. Baronet said; but the only safe ground to go upon was general results, and what were these? Since 1870 the average attendance at voluntary schools, so far from diminishing, had increased from 173,000 to 184,000, or 11,000, and 90 efficient schools, with an average attendance of 18,000, had chosen to transfer themselves to the School Board. That was to say, since 1870, the average attendance at voluntary schools had increased by 29,000. The chief reason of that increase was because more parents, when they found that they had to send their children to school, sent them to voluntary schools rather than to Board schools. That, then, brought up the question of compulsion, and he wished to say a word in reply to hon. Members who had spoken upon this question. It was an entire mistake to suppose that the School Board was not doing its utmost to bring in, or that it was not successful in bringing in, the poorest children. No doubt, if any hon. Gentleman chose to seek for them, uneducated children might still be found in the purlieus of the East End or of Westminster. The work, he would admit, was not yet complete. There were not places enough for all the children to bring them into. But, for his own part, he was perfectly astonished at the extent to which the School Board had succeeded in its work. It was supposed that the Board had not endeavoured to get the children; but he contended that this was not the case, as the following facts would prove:—During the first portion of the year 1878, which was the latest period for which Returns were given, the School Board, in the first

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place, sent out a caution to 32,529 parents who had neglected to send their children to school; an attendance of 24,497 was immediately secured. Notices were afterwards sent to 22,738 parents, with good result in more than 18,000 cases. The actual number of summonses issued was 3,705; a small fine was imposed in 2,340 cases, and the number of summonses dismissed was only three. He did not mean to say that in all these cases they had been right in summoning, for he had seen one or two cases in which he thought the Board ought not to have prosecuted. But it was impossible for all officers to be infallible; and, on the whole, he approved of the measures that had been taken to insure a higher attendance at school. He maintained that the very large increase in the voluntary schools had been mainly owing to the compulsion, which enabled the Board to put more scholars into them than was the case before. He was, indeed, quite sure there would not be in London the feeling which still existed in favour of compulsion, if the provisions as to compulsion had not, on the whole, been well applied. With regard to the ragged schools. He believed an average attendance of 10,000 children at the ragged schools had been transferred to the Board schools. It was a great mistake to suppose that, generally speaking, the children attending the ragged schools were not now attending the Board schools, for they were; and what showed real ability on the part of the Board was that, whereas the children did not pay fees in the ragged schools, they did pay some small fees in the Board schools. He hoped the House would excuse him for occupying its time while he had endeavoured to show what was the state of things in 1870, and what it was now; how much had been done, and what was still to be done. And now he came to the question of cost. The hon. Member for East Gloucestershire used very strong words about the cost being enormous. The times were bad, and rates were heavy, and many ratepayers on reading the remarks to-morrow morning would think that their rates were school rates, and that in consequence of the School Board business they were called upon to pay very heavy rates. What was the rate after all? It was 5½*d.* in the pound. What proportion did that bear to all

the rates? As far as he (Mr. W. E. Forster) could make out, the average rates throughout the Metropolis were at least 5*s.*, judging from the lowest total rate in Marylebone, of 4*s.*, to the highest in Greenwich, of 6*s.* 5*d.* The hon. Member said he wished that the School Board rate was given separate from the rest, and in that wish he (Mr. W. E. Forster) quite concurred; and this he said, too—that if it could be proved that in the effort to put a stop to the ignorance which had been the curse of the Metropolis there had been extravagance, that extravagance should be stopped. He believed when the ratepayer saw the school rate, and knew what schooling meant, in diminishing the poor rate and the police rate, and compared it with the other rates, he did not think the school rate would be the first to suffer. The precept for the School Board for 1879 was £551,000; while that for the Metropolitan Board of Works was, besides the coal dues, the rate £582,000. He would say a word about sites, as he did not think the hon. Member had fairly put the question. Ten schools had been taken from the centre of London, and he (Mr. W. E. Forster) thought ten exceptional schools ought not to have been taken. He believed he was right in saying there were 161 schools, the accounts of which had been completed. The cost of those sites was rather more than £5 per head, the cost of furniture 10*s.* per head, and the cost of building just about £10; so that it was about £15 per head. In fact, the cost for all purposes had not exceeded £16 per head. Therefore, he did not believe, if there was a thorough examination into the matter, that it would be found the School Board had been extravagant as to sites. Then, as to maintenance, it was, no doubt, somewhat dearer than in the voluntary schools, and he believed it would continue to be so, for rate work could scarcely be expected to be cheaper at the outset than voluntary management. If they could have gone on working on the voluntary system, and got the people of England educated by it, that would have done very well; but they could not do it. Certainly, the voluntary system might be carried out more cheaply, and that was one reason why he had been anxious to keep the voluntary schools in operation; for he knew there was care bestowed and work

done by the managers which would probably have to be paid for elsewhere. Then, it must also be recollected that the managers of voluntary schools, especially in large cities, did not put up their schools with the notion of supplying the educational wants of the Metropolis. That was not their primary notion. Their principal aim was to have a school connected with their own Church or denomination—a very praiseworthy object; but they erected the school just where it suited them to do it. They picked their place for the school, and they had also, to some extent, picked the children. But the School Board could not do the one or the other, and that made some difference. Certainly, the average in London was higher for Board schools than in other parts of the Kingdom; but he thought there might be an explanation for it. London was a dearer place than the rest of the country. It cost more to live in London than in provincial towns; therefore, he should expect the general expenses of schools would be higher than elsewhere. The very fact that there was an enormous work to be undertaken; that there were 350,000 children untaught, who were to be brought within the operation of the Act; and that there was no time to wait while so great a number of children were being left untaught, would naturally add to the expense. The schools had to be started, and masters and mistresses found for them. If any man chose to go into any manufacturing town and start there an enormous mill, he must expect to have to pay rather more than the market rates for overlookers and managers. And so it was with the London School Board, which had to start an enormous educational machinery. It was ordered to do it; it was its duty to do it, and that, too, at a time when expenses were rising. Under those circumstances, when a demand suddenly sprung up for teachers, no doubt, a good deal had to be paid; and, as he was just reminded by a right hon. Friend, it was done at a most expensive time. But the London School Board, likewise, had a great deal of work to do which the voluntary schools did not do, and which the school boards generally had not done. He dared say the hon. Gentleman opposite would insist that it should not have its Inspectors. It must be remembered, however, that

there were 200,000 children in the schools; and, therefore, the ratepayers had a right to demand that there should be Inspectors, irrespective of the Government Inspectors. Again, the School Board had taken very expensive work in hand in dealing with special cases. He alluded to the teaching of the destitute deaf and dumb and the blind. The hon. Gentleman opposite (Mr. J. R. Yorke) had brought forward several instances of alleged extravagance connected with the Staff. He seemed to think it a terrible thing that the needlework Inspector—the chief superintendent, it was to be supposed, of the needlework for about 100,000 girls—received £175 a-year. That, however, struck him (Mr. W. E. Forster) as a very small sum indeed, and one uncommonly well spent; and he trusted that when the House voted money they might do it, generally speaking, on as favourable terms. It should not be forgotten, therefore, that the School Board had done work which neither voluntary schools nor other school boards had performed. His impression was that the School Board had had to do things in which it was most difficult to be economical. When the London School Board was compared with voluntary schools, or other Board schools, it must be remembered that it took under its charge the deaf and dumb and the blind children of the Metropolis requiring help. Then, as to the case of the training-ship, he dared say that was a mistake. He knew nothing about it. But, perhaps it might be found that there was no more over-expenditure on that training-ship than on many of the ships for which the House was more responsible; and it was quite possible that that might be a warning and a lesson to the London School Board for the future. But, however that might be, it did not require a Resolution of Parliament to bring home that matter to the ratepayers of London. On the other hand, it was possible that when the case of the training-ship was brought before the tribunal of the ratepayers, there might be some defence offered of which they had not yet heard. He now came to the salaries of the teachers. He wished to take as impartial a view of them as he could. It was quite true that those salaries stood at a higher average in London than in the Kingdom generally—£132 for masters, £102 for mistresses,

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and £100 for infant school-mistresses, were considerably more than the sums paid in voluntary schools and in other Board schools. But there were, as compared with the voluntary schools, no residences. In the case of the masters, therefore, he did not think the salaries—£132, as compared with £117 in voluntary schools—extravagantly high. With regard to the mistresses, however, the matter was different; but it should be remembered that the salaries paid by the voluntary schools before were far too low—namely, an average of £67, added to which was the fact that they had a very rough lot of children to deal with when the Education Act was passed. He was glad, however, that Sir Charles Reed was aware that the salaries would have to be looked into. But his (Mr. W. E. Forster's) sympathy with the masters and mistresses was so great, and his feeling that they had long been a neglected class was so strong, that he could not bring himself to regret that their salaries had been raised throughout the Kingdom. He hoped, however, that neither the teachers nor their paymasters would forget that salaries must be regulated on the principle of supply and demand. In the beginning there was a great demand; but he thought, for some time to come, the masters and mistresses might have to look forward to smaller pay. Sir Charles Reed said that one of the first tasks of the School Board would be to revise the scale of salaries of the teachers. He wished to make one or two suggestions to the School Board, if he might be permitted to do so. He believed that what had been the chief ground of their expenditure, over and above that of the voluntary schools, was not so much that they had paid their teachers a higher rate of wages, but that they had a much larger number of them—more, he submitted, than might be necessary for the requirements; and he suggested that this matter should now receive very full consideration. No doubt, it was necessary to have a large number at the time of the passing of the Act, in consequence of the numbers of neglected children that were brought in out of the streets, and not from other schools, in a large Metropolis like London. On the other hand, it might be argued that the larger teaching power had been justified to a

great extent by the result; because, though the children had been so neglected before, yet the passes in the London Board Schools were above the average in the voluntary schools. There was another point which he thought might also be considered by the Board, and that was the fees of the children. The voluntary schools got an average of 13s. per child; the average of the Board schools was rather under 8s. He hoped the Board would be encouraged from their success in getting a fee out of the ragged school children, though of only 1d., to try to raise the average fee of the other children. The average fee in the London Board schools was about 2d., which was below the average in the large towns, and, taking the whole of the Metropolis together, he did not know why that should be so. There was another suggestion he would make, which was that the Board should try more than they had done the system of a gradation of schools. In West Ham the system worked very well, for there there was a school with a 1d., a school with a 2d., and a school with a 4d. rate, and he did not see why they should not get as much as 9d. A word or two now about the checks which the hon. Gentleman the Member for East Gloucestershire would introduce. There was one great check which the Act had established—namely, that the people who paid the money elected the persons who spent it. But as to the checks proposed to be introduced, he (Mr. W. E. Forster) took down some of the proposals made at a conference of delegates from the Vestries. He saw that the hon. Gentleman was making arrangements for introducing a deputation from this conference to the Lord President; but he must say that he had never expected to find that the hon. Gentleman would support these proposals. The first was that the rate should be limited; the second, that all School Board buildings should be stopped—that was, that the educational deficiency should be left unsupplied; and the third, that in the rate schools there should be no rate-paid teaching except for the three R's; that the rest should be paid for by the parents; and, further, that smaller State grants should be made to the rate schools than to the voluntary schools, which would soon cause an outcry to be raised by the representatives of the ratepayers through-

out the Metropolis. For himself, he had no fear that the Government would offer such checks as had been suggested, or that the people would accept them. There had been a good deal of talk about the rate being more than was at first mentioned, and he quite granted that the expenses had been somewhat beyond what he had expected. But the Chancellor of the Exchequer himself, in any proposed estimate, or, indeed, anyone else who set to work to build a house, would find that the outlay which he had to incur was not always that which he anticipated. If, however, the ratepayers of London were to compare their position with that of the inhabitants of any of the other large towns throughout the country, they would find that, generally speaking, their rate was lower. Then they came to the question of starving the education. The hon. Gentleman said that as soon as the child had learned to read, write, and cipher, in a very elementary manner, it should be turned out of the school, unless his parents were prepared to pay more money for him. Could they fully estimate what that meant?—that they were not to have a knowledge of geography, history, or even of such subjects as that of elementary social economy, which, although the hon. Gentleman seemed to have laughed at it, might be found very useful to the working classes. A parent might have been paying for the education of his child up to the age of 10, and was quite willing that he should go on to the age of 13 or 14; but if so, the hon. Gentleman would have him pay extra. That, however, was a proposal which it would be impossible to work; and he must say in that, and other matters brought forward, he took an entirely different view from that of the hon. Gentleman. He had very little more to add. He did not mean to contend that the men who had been members of the School Board had made no mistakes. He did not mean to say that, having a very difficult work to do, they had always done it as cheaply as might have been the case; but he would say he believed they might search the whole Kingdom through, and they would not find any better work done either by Imperial or local officials. However, he hoped they would look to economy for the future—[“Hear, hear!”]—Yes, he would repeat, he

hoped they would look to economy in the future; but he also trusted that, in doing so, they would never lose sight of the fact that their main duty was to provide for education. He thought it was probable they might be able to do things cheaper hereafter; but he would say again, you might search through the Kingdom, and you would not find a better return for the money spent—5½d. in the pound—anywhere than the hard work done by the London School Board. It was done by the indomitable, self-denying energy of those men and women who had been upon this Board. Their work was unpaid. It was not only unpaid, but obscure and unthanked; but he trusted that they would not be discouraged, and that they would go on with their work. And, after all, it was the population, the ratepayers, the parents of this Metropolis, who had to judge whether they did this work or not. He had no fear whatever that they would stop this work, or that that House would interfere to put checks upon the Board which the ratepayers did not wish to have put.

LORD GEORGE HAMILTON did not think anyone could be surprised at the Motion now brought forward, for it did give expression to a feeling of disquietude which certainly did exist at the expenditure of the London School Board. His hon. Friend, in a singularly able and exhaustive speech, made a series of allegations which, if true, were the justification for his Motion; while, if further justification were required, it would be found in the speech to which they had just listened. The right hon. Gentleman commenced his observations by rather deprecating the interference of that House with the London School Board. They had constituents, and therefore it was hardly the business of the House to interfere between them and their constituents, they were told. But if there had not been that Motion in the House, they would not have heard the opinion that for the future the Board must practise economy; while this theory, that no one must interfere between a majority and its constituents, applied not only to local but to Imperial matters; and, certainly, the right hon. Gentleman and his Friends, during the past five years, had not at all brought their conduct into accord with this precept. In fact, that argument must have been invented on the spur of

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the moment; because it must be remembered that this expenditure did not merely affect the ratepayers of London, but the fees and salaries affected every single elementary school everywhere, and that the raising of salaries in London had practically raised them throughout the whole of England. Before making any observations on the expenditure of the School Board, he would ask the House to bear in mind two facts. With the first point the right hon. Gentleman had already dealt. He (Lord George Hamilton) was one of those Metropolitan Members who suggested, in 1870, that there should be one Central Board for the Metropolis. After their experience of the past few years, they could say that if a School Board had been set up in any other way it would have been almost impossible to work it. The artificial boundaries of the different parishes were difficult to ascertain; and it would have been almost impossible for each Board, with different bye-laws and different officers and children constantly passing over the boundaries from one parish to another, and from one school to another, to get satisfactorily to work. It did not escape the attention of those who recommended the creation of the London School Board that a power would be placed in the hands of that Board of levying rates such as had never been given to any local authority before. His hon. Friend had alluded to the high salaries of some of the officers of the Central Office. No doubt, they would seem high if paid by any Board but London. But the London School Board had under its jurisdiction a population almost identical in number with the total population of Scotland, and the rateable value of London exceeded by £2,000,000 the whole rateable value of Scotland. Therefore, it was only just and fair that they should make allowances for the great difficulties with which the London School Board had to contend. They had this enormous population put under their control; they were asked to furnish school accommodation for that population, among the children being a large proportion of what were called "wastrels;" they had the greatest possible difficulty in acquiring sites, and there were a variety of other difficulties in their way. It was impossible not to be struck with the ability and devotion with which they had carried out their work,

to say nothing of the munificence with which individual members of the Board had shown that they were ready, out of their own pockets, to make donations for promoting the cause of education. He also entirely agreed with what was said about the Chairman of the Board (Sir Charles Reed). He was very well known, personally, to the House; his experience had been of the greatest use to his colleagues, and to his influence was, in a great measure, to be attributed the fact that the religious difficulty had been so satisfactorily settled. At all the Board schools at the present time religious instruction was given, and every year a greater number of children were participating in the instruction so given. All these things must be taken into consideration before they began to criticize the expenditure. They must also remember that the Board was not responsible for the system of education they had to carry out. The system was imposed upon them by the Legislature; and the House might be quite certain if there had been extravagance it was, to a certain extent, the result of a system which the Legislature imposed. This matter was of so much importance that, although the hour was rather late, he hoped the House would allow him to lay a few figures before them, especially as only by that means could they arrive at a conclusion whether the expenditure was justifiable or successful. The London School Board had a population and a rateable value very nearly equivalent to that of Scotland. The number of schools under their control was 257, as against 2,334 in Scotland; and the number of certificated and pupil teachers, respectively, in London was 1,950 and 2,250, as against 3,870 and 3,850 in Scotland. Not only were there a far larger number of schools, but there were also a far larger number of teachers in Scotland; and, therefore, the comparison was favourable to London, and it ought to be able to educate children more cheaply than in Scotland. But, on the contrary, he found the total cost of the maintenance of each child in a London school, exclusive of the cost of site, building, &c., and counting only teaching staff, books, and apparatus, for 1877-8, was £2 13s. 5d.; while in Scotland it was but £2 2s. But the amount expended out of the rates per child in London was £1 11s. 11d., while in Scotland it was but 14s. 5d.

In one sense the result was creditable to the London School Board, because their earnings per child were 14s. 4d., while the rate in Scotland was over 16s. Therefore, not only was the system of education, as might be expected, more efficient, but, as regarded the results, it was also considerably cheaper. What, then, was the cause of this very heavy expenditure? It might be divided into two heads—that which related to the supply of schools and the general administration of schools, and that which related to the supply of children. With regard to the supply of schools, he had looked very carefully into the figures himself; and he could assure his hon. Friend that, so far from the supply of schools being excessive, there was, at the present moment, a considerable deficiency. He could prove that easily. At the present moment there were on the rolls of the Board and voluntary schools 600,000 children, while there was accommodation in the schools themselves for but 472,000 children; so that there was clearly a deficiency of school accommodation of 128,000 places. Moreover, London was annually increasing its population; and, therefore, if the building of schools were stopped the number of places wanted must continue to increase. It was, therefore, he thought, quite clear that unless that House chose to reverse the fundamental principle of the Act of 1870—that every district should provide sufficient school accommodation for the children in it—it was quite clear that the supply of schools must be increased. Therefore, so far as the supply of schools was concerned, he thought that part of the expenditure must continue to increase. It was absolutely impossible to think of enacting that London alone, of all the districts in England, should have an educational deficiency; and it would be an everlasting monument of parsimony and impotence that the richest capital in the world should be unable to supply sufficient school accommodation for her children. As to the question whether the supply of schools could be accomplished at a less cost than in the past, the correspondence between the Education Department and the Board was in the hands of hon. Members. No doubt, in certain cases, the expenditure had been excessive; but the attention of the Board had been called to the fact, and he was quite certain that the members

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of the Board would co-operate, as far as they could, to reduce the cost of building new schools. It was then, on the one hand, perfectly clear that the number of Board schools in London must increase; and, on the other, that the expenditure in connection with the supply of these schools and the general administration must also increase. One therefore turned with more interest to that part of the expenditure which related to the maintenance of the children in the schools; because it was perfectly clear if there were to be more schools, and the charge for the maintenance of the children was not to decrease, that there was literally no limit to the amount which the London School Board would have to levy upon the rates, in order to meet the deficiency arising between the fees and their general expenditure. The cost of maintenance, comparatively, was as follows:—The average in the voluntary schools throughout England was £1 14s., the average of the board schools throughout England was £2 1s.; but the average of the London School Board was £2 13s. 5d. These figures were not satisfactory, and it could not be contended that they were the necessary result of low fees; because in Birmingham, where there were more schools with low fees in proportion to the others than in any other town in the Kingdom, the expenditure was kept within £2 per head. On examining the Estimates of the London School Board, it was very easy to ascertain the cause of this expenditure. Since this Notice had been put on the Paper he had made it his duty very closely to criticize their figures; and he thought they would startle the House, as they had startled him. He found that the average cost of maintenance in the school per child was £2 14s. 7d.; and the average fees, taking all the board schools, was 7s. 6d. per head. A considerable deduction had to be made from that, because all the books, papers, and stationery were provided gratis. They amounted to 4s. 7d., and, deducting that from the fees, they arrived at the astounding result that the average cost of a child in a London School Board school was about £2 10s., and the average contribution from that child in fees was 2s. 11d., or much less than 1d. per week. But in a considerable number of schools the children only paid 1d. per week, and were pro-

vided gratis with books, papers, and stationery. The result, again, was then that the average fee paid by all the children was less than 1*d.* per week, and that no fee whatever was paid in many schools. Of course, he knew certain hon. Gentlemen in that House were in favour of free education. It must be remembered, however, that such was not the intention of the Act. Its intention was to place within reach of the parent a sound and cheap education; but it was not the intention of the rate-payers to give free education. What would naturally occur to many hon. Gentlemen was, whether it was necessary to impose such very low fees? Were the conditions of life so exceptional as to necessitate these very low fees? A School Board alluded to by the right hon. Gentleman opposite (Mr. W. E. Forster)—that of West Ham—afforded a good answer to the question. It was a large urban district, and what was necessary in London they might assume would be necessary there. Yet there the cost, in 1877, was £2 3*s.* 3*d.* per child; and in 1878, £1 19*s.* 11*d.*; the amount obtained from the Government being quite equal to that obtained by the London School Board. Not only, then, was that system quite as efficient, but it was much cheaper. One cause of this greater expense was the number and the salaries of the teachers employed. Nobody objected to the teachers being adequately remunerated; but certain figures laid on the Table seemed to show that the average salaries of teachers in London were considerably higher than those paid elsewhere. Thus, there were 42 teachers whose salary was between £250 and £300; 26 under £300; 16 between £300 and £325; 7 at £325; 2 at £350; and 1 at £467. The question at once arose, was it necessary to pay these very high salaries; or was it to be considered whether parents could not afford to pay more than 1*d.*? A very able letter on that subject appeared in *The Times* from Mr. Rodgers, the Vice Chairman of the Board. He said—

"It is urged by some that we ought not to pay a teacher more than his market price. But we want the best teachers for London, and we ought to have them, and we should, therefore, pay them above the market price."

He did not wish to put too severe an interpretation on that expression; but,

unquestionably, the result of the salaries paid by the London School Board had been to raise teachers' salaries all over England; and one of the great difficulties the small School Boards and districts had had to encounter in the rural districts during the last two years had been the getting teachers to accept the salaries they could afford to pay. Therefore, this paying more than the market value in London affected very hardly the rate-payers elsewhere, besides affecting the managers of the voluntary schools. That was another point which would account for the very high expenditure in the London School Board schools. He did not think that a system of low fees with very highly-trained teachers, whose salaries depended on the results of the examinations, were in any way incompatible. But what was the result in these schools? The teacher knew he was dependent upon the result. The better-dressed child; the child which was higher in the social scale, the better educated, the more intelligent, the better for his purpose; and, therefore, this system made the teacher eager to get hold of the very class of children for whom these schools were not intended. It was only fair to the School Board to say that they were endeavouring to alter this, and so to fix the salaries that a less portion of the teacher's remuneration might be dependent on the results of the examination. The question naturally asked, then, was—Is the cause of this very high rate of maintenance in the London schools entirely the fault of the School Board; or is it the natural consequence of the legislation of nine years ago? It must be remembered, also, that the annual grant was not given under the same conditions, and for the same purposes, as it was 10 or 12 years ago. Then it was given, according to the Code—

"To promote local voluntary effort, and in order to extend education among the working classes."

When the Act of 1870 was first introduced, the right hon. Gentleman opposite (Mr. W. E. Forster) made a proposal which would have obviated many of the difficulties which subsequently occurred, and it was that each district should be responsible for its school supply, and that no School Board should have the power of contributing to voluntary schools without the rates. That

proposition was not palatable to the Party with which he was associated; it was withdrawn, and the right hon. Gentleman substituted a proposal by which an increase of 50 per cent was given both to voluntary as well as Board schools. The effect of the Acts of 1870 and 1876 was that compulsion extended throughout the greater part of England, and the children who were at the schools were not exclusively the children of the working classes. On the contrary, the Inspectors of the Education Department estimated that only one-seventh of the children of England had education provided for them otherwise than by elementary schools. The right hon. Gentleman opposite never attempted to define what was meant by elementary education; but, of course, the education of all children must be elementary, and the definition attached to an elementary school was a school where the fee did not exceed 9d. per week. Therefore, they had now drifted from a position in which the grant was given to promote local voluntary effort in extending education among the working classes, to a position where any person could send his child to an elementary school in which, provided the fees charged were not more than 9d. per week, a portion of the cost of that education would be defrayed by the State. That partly depended, of course, on the amount realized by the examinations. Power was given to the School Boards to raise rates for the purpose of extending education, the intention being that the rates were to be used in order to bring cheap education within the reach of those who could not afford to pay high fees. By cheap education was not meant education which should be very cheap to the child, but exceedingly dear to the ratepayer. Under the voluntary system, it was not necessary for the Education Department to place any limit on the expenditure of voluntary schools, because the balance came from private sources, and the managers knew that the larger the expenditure the better was the result of the examination; and, consequently, when the managers of the Board schools found out that by expending more money out of the rates upon the Board schools they could obtain a larger proportion of the Government grant, many of them felt justified in doing so, until, undoubtedly, the result of the system at the present moment

was this—that certain School Boards—he did not say they did it intentionally—did dip their hands very deeply into the ratepayers' pockets, and so obtained a very large proportion of this grant from the Consolidated Fund. Now, he ventured to say, that was never the intention of the Legislature. The intention of the right hon. Gentleman (Mr. W. E. Forster) and of the late Prime Minister was that in proportion as they increased the grant they should reduce the amount levied from the rates. If hon. Gentleman thought he was in any way exaggerating, let him just tell them what the results of the examination, compared with the rate of expenditure of the London School Board, had been during the last year. It was perfectly true that the results had been, in one sense, very creditable to the London School Board, because they had succeeded in reaching 15s. 4½d. in London, against 15s. 1½d. in other schools in England—that was to say, they had got 2½d. more than had been obtained for the children in other schools. But at what cost did they obtain this? Every one of those children had cost 17s. 8d. more to obtain that return; and, in order to get 2½d. more out of the grant, the rates had had to contribute 16s. 4d. to produce that result. The question was, whether it was necessary that they should bring the Board schools back to apply the rates in accordance with the intentions of Parliament? There were certain objects very clearly in view in this matter. In the first place, it would be most inexpedient if the House were to do anything which would in the slightest degree affect the efficiency of elementary education in this country. It must, again, be remembered that whoever was at the head of the Education Department had to exercise discretion between the Board schools and the voluntary schools; and although it might be possible to make such an exercise of that discretion as to favour a system to which he was personally favourable, yet he believed that such a course would not only be very improper, but very unwise. It would counteract against the system which it was supposed to favour, and must, undoubtedly, lead to zig-zag legislation that would be detrimental to the cause of education. Therefore, the Government had invariably endeavoured to lay down such lines of action as were

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consistent with justice and propriety, and which could be maintained by themselves, and with difficulty reversed by those who came after them. Now, keeping those objects fairly in view, let the House see whether they could possibly suggest any proposal to meet the undoubted evil which existed. There were some who suggested that the amount of the school fees should be reduced from 9*d.* to 6*d.*; and, further, that no school should be considered an elementary school which exceeded 6*d.*, because there was no doubt whatever that, at the present moment, a very large number of children belonging to the middle classes were educated in Board and voluntary schools with Government assistance, while their parents could perfectly afford to pay for them without any assistance. But it must be remembered that they could not prevent these children from attending these elementary schools, because everybody had a right to do so; and, therefore, the only result of that plan would be that whilst the scholars would continue to attend the fees payable by them would diminish. He could not but feel, himself, that in all large Board districts they must ultimately arrive at a system of graded schools, which would, he thought, tend to efficiency and economy. They could then apportion the teaching staff to the children who had to be instructed, and there were many other obvious advantages. Still, the time had not yet arrived when it would be justifiable for the Education Office to suggest that a general system of graded schools should take place throughout the country. In the first place, one great difference was very obvious. In many parishes and school districts in England there was only one school; and, therefore, it would not be possible to have graded schools. Then, he thought, before the House attempted to do anything in that direction, they should see what could be done by secondary schools in England; and there was no doubt whatever that year by year, under the scheme of the Endowed Schools Commissioners, an excellent system of secondary schools was being established. Well, if the House should reject those two proposals, there was another which he would suggest, and which seemed to him to exactly meet the difficulty. Suppose the House were to say that, in the opinion of the Edu-

cation Department, the maintenance of schools, as elementary schools, should not exceed a certain sum, the Return showed that, with the single exceptions of London and Liverpool, the cost of the maintenance of all elementary schools in England was under £2 2*s.* per child per annum. Well, supposing it was provided that if the cost of the maintenance per child exceeded £2 2*s.*, the excess should be deducted from the grants given to the school, the result would be to show the managers of the schools the necessity of enforcing economy; and if they did not do so, it would be a question for the ratepayers to decide whether or not a limit should be imposed. This proposal had been under the consideration of the Education Department; and, without pledging himself in any way to the details, because the matter required most careful consideration, he thought he might say that the Government might act in that direction. This would effectually tend, he thought, to prevent managers from putting their hands too deeply into the rates in order to get the extra grants. It was perfectly ridiculous to say that the managers of schools had the option of spending as much as they chose of the taxes which were not collected by them. If this proposal were shortly put into practice, what would be the result as regarded London? Of course, it would be very difficult for a School Board at once to reduce its expenditure, and a certain time must be given; but if the first cost and maintenance of the London schools were reduced to £2 2*s.*, there would be an immediate saving of £100,000. That was the suggestion which, on behalf of the Government, he was ready to make. He hoped his hon. Friend, after this statement, would not consider it necessary to press his Motion to a Division. He (Lord George Hamilton) had indicated—and he thought the figures he had quoted showed—that there had been an expenditure on the part of the London School Board which did not seem to be altogether necessary; and, such being the case, he should not, therefore, vote against the Motion; but, on the other hand, it was equally impossible for him to vote for it. It must be remembered that the London School Board was by far the most important School Board in existence; and if the Education Department had any reason to find fault with

the expenditure of the London School Board, the proper course would be to write to them, and not by a side wind, by a Motion of this sort, to inflict upon them censure. There were a variety of circumstances which made it undesirable, he thought, for his hon. Friend to push his Motion to a Division. He (Lord George Hamilton) was sorry that he should have detained the House at some length; and if they could so shape their proposal as to make it applicable to the whole of England, he did not think anyone would have cause to complain that it would, in the smallest degree, affect either the sufficiency or the efficiency of national education; but it would show the managers of schools that it never was, and was not now, the intention of Parliament that a great and unlimited use should be made of the rates in order to obtain a larger measure of money raised by taxation. He thought it would also be a distinct intimation to any manager or any Board who took a different view, and who believed that unlimited expenditure was advantageous to the cause of education, that no greater hindrance to the cause of national education could be devised than to make the progress of primary education dependent upon excessive dipping into the pockets of the ratepayers.

MR. MUNDELLA said, they had now arrived at a very late hour, yet not a single Metropolitan Member had had an opportunity of addressing the House, nor had any of the members of the School Board, who were also Members of that House, spoken. The statement of the noble Lord certainly, also, ought not to go without discussion and unchallenged. Therefore, he begged to move the adjournment of the debate.

Motion made, and Question proposed.
"That the Debate be now adjourned."—
(*Mr. Mundella.*)

MR. J. R. YORKE said, he must distinctly oppose the Motion, unless it was understood that the adjournment was not to be *sine die*. If, however, the Government could not give him a day, he must take a Division on the question of the adjournment, in order to obtain an expression of opinion from the House as to the conduct of the School Board.

MR. FAWCETT would be heartily glad if the Government could give the hon. Member a day, for the more this

subject was discussed the better for the future of education. But to take a Division on the adjournment would be thereby to decide what would, practically, be a vote of censure on the most important local representative body in the country, without its own representatives having been heard. As a matter of fact, at 1 o'clock they had had but four speeches, no member of the Board, or representing the Metropolis, having spoken. Under such circumstances, it would be taking the House at a disadvantage to force a Division.

MR. PELL said, he should vote for the Motion, not because he wished to condemn the conduct of individual members of the Board, who were the creatures of circumstances, but because he objected to the circumstances which placed them where they were.

MR. W. E. FORSTER thought the Motion for adjournment very reasonable. It would be most unwise to attempt to get a decision on the Main Question by dividing on the Motion for adjournment, because the case had not been nearly sufficiently debated. He should be very glad if the Government could give a day; but he feared that was not very likely at this period of the Session.

THE CHANCELLOR OF THE EXCHEQUER said, the Government were fully conscious of the importance of the issue raised, and the ability with which it had been debated; but, at the same time, he feared it was a debate which, at that period of the Session, they could not hope to bring to a satisfactory conclusion. The case brought forward not only raised the question as to the conduct of a particular School Board, but introduced the whole question of our educational system; while the statement by his noble Friend of the views of the Government ought itself to be the subject of further debate. It was, therefore, most reasonable that the debate should be adjourned. The Government would give a day with the greatest pleasure if they felt they could redeem their promise, but that was quite out of their power; and he could only express a hope that an opportunity would be found to resume the debate. The proposition intimated by his noble Friend must come under the attention of the House in another form, when there might be further opportunities for discussion. He did not think the Govern-

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ment could possibly resist the Motion for an adjournment.

SIR JOHN LUBBOCK hoped the hon. Member (Mr. J. R. Yorke) would not go to a Division, which would really indicate nothing, as those who voted for it could not be supposed to intend the condemnation of a body which had not even been heard in its own defence.

MR. PAGET considered it very unsatisfactory that the debate should be closed in this way; and, therefore, hoped the Government would give them an opportunity of considering the proposals brought forward for the first time by the noble Lord that day.

MR. RITCHIE hoped his hon. Friend would not go to a Division, for it would be most unsatisfactory to give a decision when the full case had not been heard, and when his hon. Friend himself had not had an opportunity of replying to the statements of the right hon. Gentleman opposite (Mr. W. E. Forster).

SIR CHARLES RUSSELL also agreed that a Division at that time would be liable to grave misconstruction; but still he thought they ought to have some sort of assurance from the Government that the subject would not be absolutely dropped.

LORD GEORGE HAMILTON replied, that, so far from the subject being either dropped or forgotten, he proposed to lay Papers on the subject on the Table of the House.

Motion agreed to.

Debate adjourned till Monday next.

METROPOLITAN BOARD OF WORKS (WATER EXPENSES) BILL.

On Motion of Sir JAMES M'GAREL HOGG, Bill to authorise the Metropolitan Board of Works to defray expenses incurred in relation to the promotion of certain Bills in Parliament relating to the supply of Water to the Metropolis, ordered to be brought in by Sir JAMES M'GAREL HOGG, Sir CHARLES W. DILKE, and Mr. RODWELL.

Bill presented, and read the first time. [Bill 204.]

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, 11th June, 1879.

MINUTES.]—SELECT COMMITTEE—Contagious Diseases Acts, appointed and nominated.

PUBLIC BILLS—Second Reading—Hours of Polling (Boroughs) [11], put off.

Select Committee—Report—Wormwood Scrubs Regulation [No. 223].

Third Reading—Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster.) Improvement Provisional Orders Confirmation * [175]; Local Government (Highways) Provisional Orders (Dorset, &c.) * [186]; Local Government (Highways) Provisional Orders (Gloucester and Hereford) * [185]; Local Government Provisional Orders (Aspull, &c.) * [161], and passed.

Withdrawn—Bankruptcy (Scotland) * [59].

ORDER OF THE DAY.

HOURS OF POLLING (BOROUGHES) BILL.

(Mr. Chamberlain, Sir Charles W. Dilke, Dr. Cameron, Major Nolan, Mr. Mundella, Mr. Rathbone, Mr. Henry Samuelson.)

[BILL 11.] SECOND READING.

Order for Second Reading read.

MR. CHAMBERLAIN: The Bill I beg to ask the House to read a second time proposes to extend the hours of polling to 12—from 8 A.M. to 8 P.M.—in all boroughs. It extends to all boroughs in England and in Ireland, and applies to all elections—Parliamentary, municipal, and School Board. At the same time, I admit there may very well be established a distinction between large boroughs and small boroughs, where the circumstances are altogether different; and if it should be the opinion of the Government or of the House that that distinction should be made in the Bill, the promoters will be happy to accept any Amendment to that effect. Either a Schedule might be attached to the Bill in which the names might be placed of all boroughs in which the Bill should apply, or it might be provided that the Bill should only apply to boroughs having a certain population, or a discretion might be allowed, and the local officials might be permitted to arrange the hours of polling according to the circumstances and necessities of

the case. I should like, before proceeding to the discussion of the measure, to call attention to the history of the question. It is certainly somewhat instructive, as showing the tendency of legislation and of the growing opinion of the House in favour of such a Bill. My hon. Friend (Sir Charles W. Dilke) was the first to call attention to the matter in 1871; but a more serious discussion of the whole subject took place in 1872, on the introduction of the Ballot Bill. I must say, on looking back to that time, it does exhibit an amount of vacillation and inconsistency on the part of the then Government in relation to that measure, which I should think is without parallel in Parliamentary history; for it appears the Bill was brought in by the Government providing that the poll should be open from 8 to 4, as at present, and when an Amendment was moved to extend the hours from 8 to 8, the Government voted against that Amendment, and it was consequently rejected; but observing, apparently, a strong feeling in favour of some extension, the Government proposed a compromise, which was that the hours should be from sunrise to sunset. Afterwards, however, they turned against their own proposition, and withdrew their support to the compromise they had suggested. It was certainly either withdrawn or rejected, and the Bill went up to the House of Lords in the present form of the law. In the House of Lords the Earl of Shaftesbury moved an Amendment in favour of keeping open the poll from 8 to 8, which was carried against the Government. Thereupon they brought in again that compromise of theirs, which appeared to be a stalking-horse to get over any difficulty with which they might find themselves confronted, and they proposed that the hours should be from sunrise to sunset. They carried that in a subsequent Sitting, and the Bill came down to the Commons in that form; but when it got into the Commons, that convenient compromise was again dropped by the Government, and no extension whatever was finally permitted. The next occasion on which reference was made to the subject was in 1874, when my hon. Friend (Sir Charles W. Dilke) brought in a Bill which was practically the same as that now before the House, except that it included the Metropolitan consti-

tuencies which are now already dealt with. That Bill was rejected by 201 to 126. That minority of 126 included almost all the Liberal Members who were present in the House, and there were only six Members sitting for Liberal constituencies who voted against it. The minority also included my right hon. Friend (Mr. W. E. Foster), the author of the Ballot Bill, whose support, therefore, I hope to obtain on the present occasion. Then, in 1877, my hon. Friend (Sir Charles W. Dilke) brought in a Resolution, according to which he proposed that the hours should be in the Metropolis from 8 to 8, and that in all other places a discretion should be reserved to local authorities, which, as I have already suggested, might be done in the present Bill. The Chancellor of the Exchequer stated that he had no objection to the principle of the measure, although he did object to the discretion so reserved, and, at his suggestion, the Bill was referred to a Committee. The Committee reported, during the same Session, in favour of the extension suggested in the Metropolitan constituencies; and in 1878 my hon. Friend accordingly brought in a Bill carrying into effect their suggestion, and he was rewarded for all the perseverance he had shown on the subject by carrying that Bill through the House without a Division. The Committee was re-appointed to consider the circumstances of the rest of the country. Let me say that the success of my hon. Friend very greatly increases the difficulty of hon. Members who intend to oppose the present Bill; because they have no longer to indulge in the very vague objections which are made to any reform at all; but they have to show why the difficulties which have been met in the Metropolis should not also be dealt with in the country. The Committee reported in July, 1878. The House is disposed to pay great respect to the opinion of a Committee; but in the present case I think it right to point out that the Committee was very nearly divided, and the Report was only carried by the casting vote of the Under Secretary of State for the Home Department (Sir Matthew White Ridley), who occupied the chair. It appears to me to be a very inadequate document; for, after admitting that a very considerable grievance had been established to the satisfaction of the Committee, it went

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on to say that the question did not press for immediate solution, and might stand over to the time for the renewal of the Ballot Act. I confess I think I can see another reason in the concluding paragraph of the Report, which speaks of the desirability of awaiting the experience of the extended hours in the Metropolis. Yes; there was also this reason—that there may also be a General Election, and a large number of working-class voters may be disfranchised by the existing state of the law. I think the House has reason to complain of the character of the inquiry of the Committee. Out of 23 witnesses, not one was called as a representative of the small towns. At the same time, the Committee issued a Circular to the Mayors of many of the principal towns. They appear to have received only 28 replies, seven being in favour of an alteration, and the other 21 opposed to it. I think it is a great pity that the Committee did not have before them some of those Mayors who objected, in order that they might have been examined and cross-examined as to the grounds of their objection, which I believe would have been found to be of the slightest and scantiest description. I am quite convinced that if those gentlemen had been examined, it would have been found that their objections were really based chiefly on the convenience of the officials, and that there was not sufficient grounds for those anticipated disturbances to which their letters alluded. Of the official witnesses examined, three were chief constables, one of whom, the Chief Constable for Glasgow, had experience of a rough population; and not only was this gentleman in favour of the extension, but he did not anticipate any disturbances in his own city. The last witness examined was the Town Clerk of Manchester. I am personally acquainted with Sir Joseph Heron, the Town Clerk of Manchester, and I must say that he is, to my mind, the type and pattern of municipal officialism. Anyone who reads the evidence given by him to the Committee will find that he did not venture to put any fear of disturbance as a reason against the extension, but the inconvenience to the officials, and the great expense. It seems to me these are not reasons which would justify the House in continuing a system which practically disfranchises a large portion of the community. Nevertheless, the

evidence taken by the Committee established very important facts; and I will read one or two short extracts from that evidence. For instance, Mr. Duncan Kennedy, Secretary of the Glasgow Trades Council, said that a large proportion of the working men were almost disfranchised by the present limited hours. Mr. Turner, the Secretary of the Sheffield Trades Council, considered that the number of working men prevented from voting was 5,000. The same gentleman stated that, at the first School Board election in that town, the number of votes polled was 13,000; but in 1873, when the hours were extended, the number amounted to 25,000. Mr. Fitzpatrick, Chairman of the Birkenhead Ship Trades Council, said that 30 of the trades had resolved in favour of extending the hours to 8 o'clock, and he added that one half of the number could not vote under existing circumstances without sacrificing time and wages. The Secretary of the Manchester Trades Council gave evidence to the same effect. Sir Joseph Heron said he did not believe that any practical inconvenience was sustained by existing arrangements, nor had he ever heard any complaints upon the subject. Well, the moment that evidence was reported in Manchester, the Trades Council offered to give evidence before the Committee, and to show that half as many more persons would have voted had the hours been extended, and also that numerous complaints had been made. Mr. Peter Bull, of Manchester, said he believed that 12,000 more voters would have polled at the last Election, had they been furnished with the opportunity. Now, evidence of that kind established two things—first, that a very large number of persons are prevented from giving their votes at present; and, secondly, that many of those who now go to the poll lose time and money. Since I have come into the House I have received a telegram from the proprietor of *The Leicester Mercury*, who says that at the last Election he saw 60 persons leave without being able to record their votes; and he adds that he knows of another gentleman who saw 80 more in a similar position. The Secretary to the Trades Council, he says, told him that it was painful to see so large a number of persons unable to record their votes. Sir Joseph Heron rather cavalierly observed that

he should have thought that if the working classes took a real intelligent interest in the government of their country, they might be expected to make a sacrifice for once in a certain number of years. All I can say is that, if that sacrifice is to be expected, it should not be confined to the one class of the community. I venture to say, if the House thought it desirable to test the interest of the electors in the government of the country by the sacrifice of a day's profits, that the number of persons polling would be very much reduced, and that the reduction would not be larger among the poorer classes than amongst the richer. It could not have been the intention of the Legislature, nor of the Conservative Party, to whom the present arrangements are due, to interpose obstacles to the free exercise of the franchise. It could not have meant to take away with one hand what it gave with the other. It seems to me very hard if English statesmanship is unable to find a remedy for the grievance. With respect to the large towns, there is only one further observation which I should wish to make, and I will take the number of persons who polled at the last General Election in the six principal towns—Manchester, Liverpool, Leeds, Dublin, Birmingham, and Glasgow. The number of votes polled was altogether 183,634, while the constituency of these towns was 276,491. Therefore, only two-thirds of the constituencies, on the average, polled in those great towns. As regards the larger boroughs, the case appears to me to be complete. All I ask the House to do, by passing the second reading of this Bill, is to affirm this principle—that there should be no unnecessary obstacles interposed to the exercise of the franchise. As regards the smaller places, I admit the necessity may be much less. I find that the hon. Member for Clitheroe (Mr. Assheton) has given Notice to move the rejection of the Bill. There is one objection he will, no doubt, offer—namely, that his own borough does not need the change proposed by the Bill. Well, I find that in Clitheroe, at the last Election, the number of electors was 1,700; and of those 896 gave their votes to the hon. Gentleman, and 804 to his opponent; so that, unless some of the electors voted impartially for Liberal and Conservative too, or unless the voters in Clitheroe are like the Ameri-

cans, who vote "early and often," it is clear that the whole constituency was polled out; and the hon. Gentleman may assert that, so far as Clitheroe is concerned, no case has been made out for an extension of hours. I have, however, to-day presented two Petitions from Clitheroe in favour of the Bill, and I believe the hon. Gentleman will himself present another from his own constituents. I take it, the feeling of the constituency of Clitheroe, as well as other small places, is that, although now there are a good many who vote, they vote at a considerable sacrifice. That is the point to which the hon. Gentleman should direct his observations. It must be evident that those men who work in buildings at some little distance from the place in which they live must find it very difficult, unless they take a holiday and sacrifice a day's wages, to come to the poll. That is the case in places where there is a large number of miners. Some interesting evidence on this matter was given to the Committee. Mr. John Hughes, of Coalbrookdale, told the Committee there were but few voters who did not poll at the last Election; but some of those who voted had to lose their time, which to them was money, and that is the hardship which they complained of. No doubt, at the last General Election, the contest at Morpeth excited a good deal of local interest, and the miners made many sacrifices in order to secure the services of their present Member. Mr. Glassey, in reply to the Committee, said he did not think that many were prevented from voting; but they had to take a general holiday, and lose wages in order to poll. Mr. Bryson, Secretary of the Northumberland Miners' Union, gave similar evidence, and said he calculated that the actual loss of wages to the miners, excluding collateral losses, on the day of the General Election, amounted to £1,000. Under these circumstances, it seems to be simpler and better that the Bill should apply to all constituencies. I find it very difficult to see what harm will result from its application, although in many cases I can see a great deal of good. It is used as an argument against the measure that if the hours are extended it will lead to increased drunkenness; but I venture to suggest that you should allow this Bill to go into Committee, and then, if this is found to be the case, an additional

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clause might be inserted closing public-houses altogether on the day of Election. By such means you would secure all the advantages I desire to obtain, and, at the same time, most materially lessen in every constituency both the intemperance and the very gross form of bribery which now prevails to a very serious extent. I have now to consider very briefly the objections which have been taken to this proposal. They appear to be two, and two only. The first—and, of course, the most serious one—is the fear that if the hours were greatly extended rioting or disturbance would result. Now, I am bound to say that the evidence on this subject is entirely conflicting. You have, on the one hand, the Chief Constable of Glasgow expressing no fear whatever of disturbance; you have the Mayor of Birmingham stating a similar thing in reply to a question addressed to him; you have the Mayor of Sunderland declaring that at the last School Board election in January, when the hours of polling were from 12 to 7, no disturbance took place, and he is strongly in favour of an extension. The Provost of Perth is of opinion that the extension of the hours of polling would lead to no bad effect; because, in his opinion, the greatest excitement occurs during the hour preceding the declaration of the poll. The Lord Provost of Edinburgh is of opinion that, without danger to the peace of the city, there might be an extension of the hours of polling. Those Mayors who take opposite views do not give any ground for their opinion; and, in many cases, their opinion amounts to the vaguest possible anticipation. In my opinion, rioting is almost a thing of the past; that since the establishment of the Ballot disturbances have become less frequent, and shortly will die out altogether. In my opinion, the present system is more conducive to rioting than anything that can be substituted. Mr. Jackson, the Chief Constable of Sheffield, was asked—

“Do you think that if the Parliamentary Election should fall in the winter, and if the hours were from 8 o'clock in the morning till 8 o'clock in the evening, and the poll were declared the next day, there would be any danger at all to the peace in your borough?”

and in answer he said—

“I am not so sure about that; but I think there would be many inconveniences in keeping the poll open in the dark.”

Mr. Henderson, the Chief Constable of Leeds, was asked—

“From your past experience, would you have any reason to fear that any disturbance would take place which would lead to jeopardizing the safety of the ballot-boxes?”

and he replied—

“I can only repeat my last answer—that up to the present time I have seen no reason to think that any such danger would arise; but in the event of any great excitement, I can see that the difficulty of conveying the ballot-boxes through such districts as we have in Leeds would be very great indeed.”

Again, Mr. Henderson was asked—

“But you have never seen such a state of excitement as to lead you to suppose that they were in danger?” “No; certainly not.”—“And you have no reason to apprehend anything of the kind from extending the hours of voting?” “Not up to the present time.”

At the last General Election in Sheffield, when I contested the borough with the present junior Member, there was, undoubtedly, very considerable excitement, and great crowds assembled in the street; but the Chief Constable says there was no rioting, only a little horse-play. The playfulness of the people consisted in throwing at my Friend and myself brick-bats and old brushes—and, what was worse than all, a dead cat. Still, I believe, with the Chief Constable, that there was nothing like serious disturbance. What was the state of the case? The poll was continued until 4 o'clock in the afternoon, the declaration of the poll was made at midnight, and during the whole of that time the town was in a state of considerable excitement. That, in itself, is likely to bring about disturbance; because, under the present arrangement, you have the most exciting event of the whole election—the declaration of the poll—made known just in the small hours of the night. If the present Bill is passed, it will necessitate the postponement of the declaration of the poll until the next day, when it might be made about 10 o'clock in the morning, and it would be made, I have no doubt, in perfect quiet. We may speak with some certainty about this matter of disturbance, because we have considerable experience concerning it. Evidence was given to the Committee by Mr. Hagger, Vestry Clerk in Liverpool, who said that the last vestry poll was kept open until 8 o'clock at night; and, in his opinion,

the result of that was that the number of persons who voted doubled those who voted at any previous election. Then, again, we have still more important experience—that of the London School Board. The last was a very exciting election, which largely interested the working classes, and a very much larger number of persons polled at that election than polled at the previous Parliamentary Election. The poll was taken on a November day, in a London fog, and in gas-light; and, in spite of all these circumstances, there was not the slightest disturbance, or even apprehension of disturbance. I cannot see, under these circumstances, how the objection, which is taken by some of the official representatives, can have the slightest foundation. The second objection is, that any alteration of the law of the kind proposed would increase the expense. Sir Joseph Heron thinks that if the hours of polling are extended, it would be necessary to employ relays of polling clerks. Again, I may appeal to the experience of the London School Board election. It has not been found necessary in London to employ relays of clerks, and to use this objection appears perfectly ridiculous. There is no merchant's or business man's office in which the clerks do not occasionally—for instance, when making up the books—attend for a period of at least 10 hours; and I am sure there would be no difficulty in finding plenty of persons willing to undertake the work under the altered conditions. Neither do I think it would be necessary to increase the remuneration; for, at the present time, the payment to the polling clerks is not exactly proportioned to the amount of work performed. From my own experience, I am confident that it would be perfectly possible to obtain a sufficient number of clerks even if the hours were extended until 8 o'clock at night. I believe, however, that if the proposed extension of hours takes place, there will be a corresponding reduction in many items of expense. Under the present system there is an unnecessary multiplication of the number of polling stations. In Birmingham we have no less than 180 polling stations, and the Returning Officers' expenses amount to £1,500. Notwithstanding that we have so many stations, we find that at the dinner-hour our polling accommodation is not sufficient; but if the hours were

extended, there is no doubt it would be possible to very materially reduce the number of polling stations, and, consequently, reduce the expense. These are the only objections I have been able to find against the present measure, and I think they disappear in the face of the evidence before us. In conclusion, I venture to hope that, although the Under Secretary appeared to oppose any alteration in Committee, I may, nevertheless, have the support of the Government on the present occasion. The Chancellor of the Exchequer stated, when this subject was last discussed, that he had no objection whatever to the principle of the measure. Under these circumstances, I may claim his support for the second reading of this Bill; and, as I have previously stated, the promoters will be willing to accept any Amendment the Government might make with the view of meeting the circumstances of small boroughs. I hope we may all assist to remedy the present evil, and that we may be enabled to remove the existing restrictions, which are not only undesirable in themselves, but especially undesirable in this—that they affect one class only of the community, that class being the largest. I move the second reading of the Bill.

Motion made, and Question proposed,
“That the Bill be now read a second time.”—(*Mr. Chamberlain.*)

MR. ASSHETON, in moving the Amendment of which he had given Notice—that the Bill be read a second time that day three months—said, that as regarded small boroughs the hon. Member, as it seemed to him, did not intend to press his Bill. He would thank the hon. Member for the reference which he had made to Clitheroe. No doubt, the electors were well polled at the last Election. He had been reminded that there was a Petition from that borough in favour of the Bill. He had obtained possession of it, and would present it in the course of the afternoon. Referring to the heading of it, he found that the words, “the inhabitants of the borough,” had been struck out, and the words, “members of the Liberal Club,” had been inserted in their stead. He did not know whether the Committee on Petitions would receive the Petition. It was obvious that the attempt to get up the Petition of the people of Clitheroe

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had failed, and that the promoters had been obliged, in the last resort, to go down to the Liberal Club to get the necessary signatures. On looking at the back of the Bill itself, he found it was specially patronized by some of the most eminent rising Liberals of that House. He did not say that it was a revolutionary measure; but, on the contrary, he condemned it as a re-actionary measure, tending to revive some of the worst usages of the dark ages by lengthening the hours of polling. Such a Bill was fraught with the most dangerous consequences, and was quite uncalled for by the circumstances of the present time. Members opposite appeared to regard this as a Party measure; but, so far as it could be regarded as a measure to facilitate the recording of votes, it was not Liberal, any more than it was Conservative in its object, the Conservative Members being as much dependent for their seats on the votes of the working classes as were the Liberal Members. In the old days, there was no limit whatever to the time at which the poll should be kept open, though he supposed it was allowed to close at some time or other; but in 1785 an Act was passed—25 Geo. III., c. 84—providing that—

“Every poll should be duly proceeded in from day to day, Sundays excepted, until it shall be finished, but so that no poll shall continue open more than 15 days at most;”

but that period was, by the Act 9 Geo. IV. cut down to nine days, and by 2 Will. IV. to two days. Since that time other changes had been made, limiting the period to one day, and fixing the hours in England, in boroughs from 8 A.M. to 4 P.M., and in counties from 8 A.M. to 5 P.M., and he believed the were similar in Scotland and Ireland. The promoters of this Bill now proposed to extend those hours from 8 A.M. to 8 P.M. The constant tendency of modern legislation in these days of expeditious travelling had been to shorten the hours of polling; and although this Bill would only give four additional hours for that process, still it sought to insert the thin end of the wedge, and it went in a retrograde direction—at which he was a little surprised, considering the quarter in which it originated. In 1877 the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) brought forward a proposal to make the hours of polling in the Metropolis from 8 to 8. A Committee

was afterwards appointed to inquire into the subject, and it recommended that those should be the hours adopted for the Metropolis. An Act was passed in 1878 giving effect to that recommendation; but there had not been an election in any one of the Metropolitan boroughs since then, so they could not look for any assistance from the experience of these boroughs in determining what line ought to be pursued at the present moment; but, however, they might hope to receive some little help from the experience of the School Boards. Twenty only out of 71 School Boards had tried hours of polling different from the normal ones of 9 to 4; but very few had tried as late as 8 o'clock. Brighton had tried later hours than 9 to 4, but never kept the poll open until 8 o'clock, and had since returned to the old hours of from 9 to 4; and Salford tried from 12 to 7 in 1873, but there had been no contest since. In point of fact, there had been little experience in keeping polls open until a late hour beyond that afforded by School Board elections in the Metropolis. As appears by the Appendix of the Report of the Committee of 1877, the Town Clerk of Salford said that the arrangement by which the poll was kept open until 7 o'clock was found to work admirably, inasmuch as it afforded a better opportunity for the working classes to record their votes. Leeds had tried from 1 to 8, but had returned to 9 to 4. The Town Clerk of Birmingham said that from 9 o'clock to 4 o'clock had been found the most convenient hours for polling; and he also said—

“It has been represented that hours in the evening would be a convenience to working men; but the elections are held in the short days of the year, and it is important that the poll should take place during the hours of daylight.”

That opinion he (Mr. Assheton) commended to the hon. Member for Birmingham. Another Committee of the House of Commons sat in 1878 to consider the whole question, and the concluding paragraphs of the Report of that Committee were conclusive against this Bill; and they suggested that as the question did not press for an immediate solution it should stand over until the time—not very far distant—arrived for considering whether the Ballot Act should be continued. The hon. Member for Birming-

ham was prepared to confine his Bill to the large boroughs, and altogether to abandon the small boroughs.

MR. CHAMBERLAIN explained, that he did not abandon the small boroughs, but left himself as to them in the hands of the House.

MR. ASSHETON said, it was not very easy to draw a hard-and-fast line in such a matter between the large and the small boroughs; but, in his opinion, the evils of keeping the poll open till 8 at night would be much greater in the small than in the large boroughs. He could not understand why the working men of this country were to be put to no inconvenience or pecuniary loss by attending to vote. There was no Member of that House that was not put to some inconvenience by attending to his duties; and Mr. Speaker was obliged to take a hasty dinner on four days every week for six months, in order to allow him to attend to his political duties. What were the reasons advanced for the Bill? The main reason was that working men and business men had, under the present system, some difficulty in recording their votes. Hon. Members on this and the other side of the House approached the question, in one substantial particular, from a very different point of view. He looked upon the franchise as a trust, while many Gentlemen opposite looked upon it as a right. Looking upon it as a trust, he naturally wished that those who were likely to discharge the trust to the benefit of the community at large should have full opportunity of doing so; but if there were any who were really unfit to have the trust reposed in them, then it was no very great hardship that they should be excluded. If people were not prepared to make some sacrifice to exercise the franchise, they could well be done without; and to pass this Bill would, in a great measure, meet the circumstances of that class of persons who, politically speaking, were most idle and most vacillating and venal. In a former speech, the hon. Baronet the Member for Chelsea pointed out that the hours of polling in boroughs and counties were not the same; that in England and Ireland, also, they were not the same; and that the reason for those variations was that the circumstances of various localities greatly differed. Nevertheless, the hon. Baronet had put his name on the

back of the present Bill, which went in for a dull, uniform system, wholly irrespective of the varying circumstances of different places. It was easy to get up Petitions, either for or against a particular measure. In the course of his communication with an Association who were opposed to this Bill, he had inquired whether they had any Petition against it, and was told that they would get up one if he liked, on which he said that he was not sure whether it was necessary, but that he would let them know. He did not think that it was necessary to present a Petition against the Bill, and, therefore, he did not let them know. This was the reason why he was not in a position, like the hon. Member opposite, to present a bundle of Petitions on the subject to the House; and he could only express his regret if, owing to an error of judgment, he had weakened the case of the hon. Members who thought with him by not letting the different associations who were opposed to the Bill "know." A general reason against the Bill was that there was not the least doubt that the proposed extension would give increased facilities for bribery, treating, and personation; and he felt sure that the more hours there were for polling the more time there would be for bribery and treating, and, consequently, the more it would be likely to take place; besides which, the fact that the hours would be extended into the dark hours of the night rendered bribery and the other abuses of treating and personation considerably easier than in the light of day. If the Bill before the House was passed into law, he believed about 85 per cent of the Elections which took place would be closed in the dark; but whether they were closed in the dark or in the light, one thing was certain—namely, that the adding up of the votes could not be finished in time for the declaration of the poll on the same night, and thus another day would be broken into. The poll would then have to be declared on the next day, and that meant the additional expense of Returning Officers, clerks, &c., for another day; and he contended that the more they increased the expenses of Elections the more the House of Commons would be what hon. Members opposite said it should not be, and the less likely would it be to have other than wealthy Members returned to it. For

Mr. Assheton

those reasons, which he considered very important ones, he moved the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*M^r. Assheton.*)

Question proposed, "That the word 'now' stand part of the Question."

SIR CHARLES W. DILKE observed, that the hon. Member who had just sat down had made a long and elaborate, and a somewhat humorous speech against the Bill; but had failed to demolish, or even seriously to touch, the very sound arguments of the hon. Member for Birmingham in its favour. The hon. Member opposite had complained that the Liberal Members were treating this subject as a Party question; but were not the Conservative Members open to a similar charge? The question had not been made a Party one in that House in the last Parliament; while, in the House of Lords, the Conservative Party had actually carried an Amendment upon which the present Bill was founded. Owing to the manner in which the Conservative Party were now treating the question, he was afraid that it must now become a Party one; but that would not be the fault of the Liberal Members. The Committee which sat last year to consider this subject had been composed of an equal number of Conservative and of Liberal Members, the casting vote being given by the Chairman in favour of the Conservative view. It was a remarkable fact that, although the Committee were agreed that a grievance on this question existed, and ought to be remedied, the voting in all divisions was conducted on strictly Party principles. The Conservative Party had not opposed the extension of the hours of polling in the Metropolis; and it lay upon them to show why the same principle that applied to the Metropolis should not apply equally to the large Provincial boroughs. There were a large number of towns in the country in which the grievance was almost as great as it was in London, and in which it could be as easily remedied. The opinion of Sir Joseph Heron, which had been quoted, only represented the view of the Town Clerk of Manchester, who, having become accustomed to one system,

did not wish to be bothered with another likely to make him put off his dinner one day in the year to a later hour than usual. But the inconvenience of a Town Clerk was a small matter in comparison with the disadvantage at present suffered by a vast mass of the population by the hours of polling. Artizans disliked being obliged to ask the favour of a holiday from an employer, who was likely to be of opposite politics to themselves, in order that they might record their votes, and in many trades if one or two machinememen were allowed to leave business must come to a stop for the whole day. There was nothing to compel Manchester and Salford, or Newcastle and Gateshead, to have the polling on the same day. Very often in those places the polling was on different days; and some men working in one borough would have to vote in another, as they did not belong to the same constituency as their employers. In such cases, they could not benefit by those general holidays which were granted at Elections in some towns, and which rendered this grievance less in some parts of Lancashire than elsewhere. It was a "dog in the manger" policy for Lancashire Members to resist the Bill; but he was sure the Conservative Members for Liverpool would not oppose it, for in that town both political Parties were agreed as to the necessity of extended hours. With regard to the Report of the Select Committee, the Chairman's draft Report was lost by a single vote, one of the Conservative phalanx not having arrived, and the draft of the hon. Member for Glasgow (*Dr. Cameron*) was carried as the basis of the Report. But, then, the missing Conservative turned up; and, thereafter, the proceedings were entirely changed, every paragraph in that draft Report being either rejected or mangled by the Chairman's casting vote, and the result was the curious patchwork which had been presented. It was thus the Conservatives, and not the Liberals, who had dealt with this subject on strict Party lines. The hon. Member opposite had brought forward the old argument that the franchise was a trust, whereas the Liberals regarded it as a right; but whether a trust or a right, every man who possessed it should be placed in a position to exercise it. The hon. Member said that as many obstacles as possible should be in

the way of idle men recording their votes; but the effect of the present law was not to prevent the idle, but the industrious, men from voting. There was nothing to prevent the pot-house loafer from voting; while the man who was in steady employment might have considerable difficulty in doing so. He thought it could not be desirable that they should fine one or two classes a day's wages to enable them to exercise the franchise, unless there were some stronger reason for closing the poll at 4 o'clock than at present appeared. With regard to bribery, treating, and personation, it was a delicate subject to refer to; but he was afraid, from the fact that at the last Election at Clitheroe—which the hon. Member (Mr. Assheton) represented—the poll represented the full number of electors on the roll, that the dead men must have polled. He did not believe there was any very considerable or organized personation in existence at the present time, and gaslight would be quite as effectual a preventive of personation as daylight. The last General Election in London took place on a foggy day, and was conducted entirely by gaslight. The hon. Member had not laid much stress on bribery and treating; but he had expressed the fear that rioting would take place. Sir Edmund Henderson, the Chief of the Police in the Metropolis, had expressed the opinion that an extension of hours would not lead to rioting; and the fact was, that the risk of rioting at Elections had been decreased enormously since the passing of the Ballot Act. There had been only one riot at an Election since that Act had been in force, and that was at Great Grimsby; but it had nothing to do with the hour of closing, and, in fact, took place the next day on the declaration of the poll. As to his last argument, that there would be an increase of expense, it was true that the evidence before the Committee went to show that there would be a small increase of expense. In London, however, their experience was that there would be no increase of expense at all. The fact was that at Elections they did not pay in proportion to the length of work; but trustworthy men were obtained, and they were paid for the work as a whole. It might, however, be desirable, if this Bill were passed, to delay the counting of the papers till the day after the poll. His

hon. Friend the Member for Birmingham had gone into the question so completely, that he did not think it necessary to detain the House with any further observations.

MR. HALSEY admitted that it would be unfair, having given the franchise, to attempt to restrict it by limiting the hours of polling. If it were desired to restrict the hours of voting, that ought to be done in a straightforward manner by bringing in a Bill on the subject. Nor did he think it possible for anyone who had heard or read the evidence given before the Committee to deny that, in certain instances, a case had been made out for the extension of the polling hours. For instance, people engaged in mines went down before the poll was opened, and did not get up till after it was closed. It was found, also, that engineers and persons in charge of engines could not leave their work without putting a whole establishment out of gear. But, while admitting that, he was not prepared to admit also that this was a time when, in view of other circumstances, they should make an alteration of such a sweeping character as was proposed in the Bill. The hon. Member for Birmingham, to a certain extent, recognized that objection, because there were three modifications to which he was willing to consent. One was, that there should be attached to the Bill a Schedule containing the names of certain boroughs to which the Bill should not apply; another was, that some limit of population should be established; and the third was, that there should be a certain amount of local discretion. But it was hardly fair to throw such a sweeping Bill upon the Table of the House and leave it to hon. Members to make changes which would entirely alter its character. The main reason, however, why he opposed the Bill he could not give in better language than was contained in the last paragraph of the Report of the Committee—it was to the effect that this question did not press for any immediate solution, and that, in the absence of urgent necessity, it might best stand over for the time, not now far distant, when the Ballot Act would have to be reconsidered.

MR. RATHBONE: I do hope that the House will see its way to passing this Bill. It is one of considerable importance to the respectable working man

Sir Charles W. Dilke

who wishes to give his vote without either leaving his work or being taken to the poll by a practical breach of the law against the employment of conveyances by the candidate or his friends. It is important, therefore, on two grounds that we should not seem, on the one hand, to have given the working man his vote, and, on the other hand, to have thrown difficulties in the way of his exercising it; and it is very important, also, on the ground that Parliament should never pass laws with the certainty that they will not be obeyed. I think I can give the House some valuable experience on this subject, showing, first, that the danger which has been put forward against allowing voting, possibly in the dark hours, is purely chimerical; and, secondly, showing what an immense convenience it would be to the working man to be able to vote, on returning from his work, in the neighbourhood of his own house. Our experience in Liverpool is the more important and conclusive because, no doubt, the House is aware that we have in Liverpool considerable difficulties from the existence among our working population of considerable antagonism of both national and religious feeling, owing to our having in the town a large number of Irish Catholics, and also a very large number of Orangemen and others with strong Protestant feelings; and I am also afraid that there is a certain amount of jealousy of the Irish population of the town. In 1874, at our Easter election for Select Vestrymen—that is, the Guardians of the poor—we had a very strong contest, which lasted for the extraordinary term of 26 days, during which these feelings of antagonism were strongly excited. The Vestry determined to try the experiment of different hours of polling—from 10 to 4 on some days, from 2 to 8 on others, and from 3 and 4 to 9 on other days, feeling satisfied that there was no real risk of disturbance even in a period of excitement. Now, it will be evident, from the season of the year, that from 6 to 9 at night it was dark; but there was no disturbance, and the average number of persons voting at different hours strikingly shows how valuable to the working man is the power of voting after his work is done. The average number of persons voting per hour between 10 and 2 was only 52;

whereas from 6 to 7 an average of 112 persons voted; from 7 to 8 an average of 184 persons voted; and from 8 to 9 an average of 169 persons voted; and of the latter, from the number of votes given by each person voting, it was evident that the vast majority were working men. Now, this shows two things—first, that even where considerable excitement, both religious and political, exists, the working man may be safely trusted to go to the poll without disturbance; and, secondly, the great advantage it is to the working man to have this facility given to him. I shall be happy to show to anyone the analysis of the figures to which I have referred. They show conclusively that for all classes of the community the later hours, say from 10, or 11, or 12 to 8 or 9, would cover the hours most convenient for polling, where voters have their choice. I would further point out that where the poll is kept open to a late hour, it will be impossible for the numbers to be known until the next day; and this would prevent the assemblage of large crowds late at night to hear the result of the poll, and the excitement which might result from disappointment. Then, as to the compulsory violation of the law under the present system. The law makes the employment of cabs by candidates, or those acting on their behalf, illegal. Yet, in large towns, this law is habitually evaded, if not violated; and it is impossible to prevent it, for it is easy for friends of a candidate to avoid becoming members of his committee, or otherwise agents of the candidate, and to make their contribution to the expenses of the election by providing cabs for the conveyance of voters to the poll. By the adoption of different hours of polling the employment of cabs would be rendered absolutely unnecessary, for working men could vote close to their own homes after they had returned from their work; and I am satisfied that, for the reasons I have given, the danger of disturbance would not only not be increased, but would be diminished by such a system. I am aware that a difficulty has been alleged against our proposal, in that the hours of polling would be so long as to necessitate a double set of polling-clerks, deputy Returning Officers, &c.; but this would easily be met by commencing to vote at a later hour, say 10 or 12 o'clock. There is, there no

practical reason against the proposal we now make; while its advantages, both to the working man, and in facilitating the due observance of the law, would be very great indeed.

MR. WHEELHOUSE said, he regretted as much as anybody in the world that there was no Conservative Member's name on the back of this Bill. This matter ought not to be considered as a Party question; and he did not think that until this Bill was, unfortunately, published without a single Conservative Member's name upon the back of it, the question partook of Party politics in any way whatever. But even if this was a Party matter, that was by no means an answer to the question as to whether it was right or whether it was wrong any longer to deprive a large portion of the greatest class of this country of the franchise, which was undoubtedly given to them. He was not then going to enter into the question whether the power of voting was a right or a trust, though he himself entertained very strong views on that subject; but he might say that he hoped it partook in a large measure of both. But when the franchise had been given—and whether as a right or a trust he cared not—and it came to be exercised, he was one of those who thought they were bound, as a branch of the Legislature, to do everything they could to enable that right or trust to be employed. This extension of polling time had been already granted to the Metropolis, and he was glad it had been so granted; but when he was told that the Metropolitan boroughs were the largest boroughs in the country, he was simply told that which he could place no reliance on as a fact. Why, half the boroughs of the Metropolis were mere children to the borough he represented, and as grand-children when compared with the borough represented by the hon. Member who spoke last (Mr. Rathbone). In the Metropolitan boroughs, some 6,000 or 8,000 electors on each side determined the whole thing. His own borough was not one of the largest; but taking that, and such boroughs as Glasgow, Liverpool, or even Birmingham, surely if it was right and reasonable to grant longer hours for polling to the Metropolitan boroughs with their 14,000 or 15,000 electors—surely there could be no reason on earth why in those large

boroughs such as he had mentioned the long polling hours should not also be granted. Besides, it applied with tenfold more force to a borough like Leeds than to any Metropolitan one, for there a large proportion of the constituency was made up of the wage-earning class. They were deeply interested in what went on in the House, and in the discussion of every question which affected them. No class was more alive to the importance of questions of the incidence of taxation, both Imperial and local, than was the wage-earning class of a large manufacturing borough. When he was told that it was right and reasonable to give the franchise to the working men of Marylebone, and practically to deny it to the working class of a town like Leeds, why the statement was so palpably founded on error that it carried with it its own refutation. Gentlemen who opposed this measure seemed to forget that they had not now the excitement of the nomination day. The abolition of that was one of the few good things the Ballot gave them; it undoubtedly was a great gain to get rid of all the turmoil consequent upon nominations, and in some measure had, in many large towns, got rid of the tumult arising out of declarations, and hereafter he trusted it would be got rid of altogether. Having swept those evils aside, what was there to fear in this extension? If a man wanted to personate, or to bribe, or to make any member of his constituency amenable to the law punishing corrupt practices at elections, why, he could do it now in any dark corner away from the light of day. But to tell him, with his 40 years' experience, that there was, practically, the slightest chance of increasing facilities for bribery and corruption, or in any way conducing to the demoralization of a constituency by this extension of polling time, was to say that which he no more regarded than the idle wind. Leeds—and he spoke of the borough with respect and pleasure—set a foremost example for many years past of how Parliamentary Elections could be conducted absolutely free from the intimidation, bribery, and corruption, of which so much was heard in the House, but of which, considering our enormous population, so little was found from end to end of the country. But even granting that the larger boroughs were more subject to these influ-

Mr. Rathbone

ences than they were, or were ever likely to be, that was no reason why the wage-earning class should be altogether deprived of the franchise which had been given them, and which, under every possible circumstance, they desired to exercise. Was it reasonable, was it right, was it just, that a man engaged, say, in driving a railway engine, should be deprived of the power of registering his vote at some hour when he was free from his daily occupation? Was it right that a man working in a mine, and who could not leave his work until the cage was lowered for him, should be prevented from voting? If the hours were extended, then this man could record his vote whether engaged upon the day shift or the night shift, and with this advantage—that he would be free from any influence on the part of his master. No door would be closed upon him; there would be no block in his way—no fear of what was called the “sack,” to prevent the exercise of the power the Ballot gave him. The arguments in favour of the Bill in regard to large boroughs—and, certainly, as regarded his own constituency—were unanswerable, and he gave the Bill his cordial support even to the length to which it went. If the principle of the Bill were accepted, then if a distinction was drawn between larger and smaller boroughs—and in some of the latter it might not be desirable to extend the polling time—then, if that should be found to be the case, it was a matter for settling in Committee, and was nothing against the principle as the House had it proposed to them. It had been said that someone had recommended the House should wait for some length of time—and the waiting in that House had become an indefinite prolongation—to watch the operation of the Metropolitan Law. But why should they wait? If Parliament had declared by enactment that this change was good for Chelsea, or for Marylebone, or the Tower Hamlets, why should Leeds, with similar circumstances, wait? Or why should Bradford be called on to wait? If the measure was good for the first-mentioned borough, then it was good for the others; and he could not understand why the large boroughs of Yorkshire should be called upon to wait and waive their claim for a time until some dilatory spirits had convinced themselves they had done

right in London, and that their legislation was such as they could rely on. That was an argument eminently uncharacteristic of this Assembly. Either the House had done wrong—in which case the Act should be repealed—or else let what had been done for the Metropolitan boroughs be extended to boroughs far larger than any in the Metropolis. Surely, if it was a mistake to pass the late Statute, that should have been discovered before the measure became law; and when it was found that the only reason for saying the large boroughs must wait until it could be said the Act worked well in smaller boroughs, it was asking him to accept a principle he could not view with any favour. With regard to the measure itself, he could only say that supposing any alterations or addition to the hours of polling were to be made, those alterations should be made with reference to the requirements and position of the borough, rather than to mere population; the circumstances of each case should be decided on its own merits, and not according to that rough-and-ready method of dealing with mere arithmetical numbers, which often did much damage. If distinctions were made, and any separation and classification of boroughs proposed, then all the circumstances of each should be taken into account before coming to a determination. Another observation he wished to make in regard to what had been said was, that a great many boroughs violated the law by the use of cabs at Elections. He did not know that this violation of the law was general, and he was quite prepared to deny that every borough did so, and that from his own knowledge. He wished there was less use of hired cabs; but, still, there were circumstances applicable to some boroughs which rendered their use absolutely necessary. For example, Leeds extended for $7\frac{1}{2}$ miles in one direction, and $3\frac{1}{2}$ miles in another; and in such a borough it was almost impossible, under existing regulations, that every man wishing to register his vote could find the opportunity of doing so. He mentioned this, because he could not help thinking it desirable, in dealing with any re-arrangement of polls or polling places, an increase should be made in the number of polling places, or else in the large boroughs the same right should

be allowed as existed in the counties and in Wenlock and Shoreham. In saying that, he wished to emphasize in the strongest manner his desire to see every man who was in possession of the franchise have the means of exercising it. He hoped those mythical anticipations—that length of polling time would lead to corruption, bribery, and intimidation—would be swept away; and, so far as the large boroughs were concerned, he was anxious that wherever the franchise had been given to the working classes there should be every opportunity for the full use of it.

DR. CAMERON said, there were a number of hon. Members who wished to address the House; and, therefore, he should make his remarks very brief, but should not like the discussion to pass without taking some part in it, because it was a matter in which his constituents were very much interested, and because he had had the honour of serving on the two Committees which sat upon this subject, and, as far as the debate had gone, he was the only Member who had served on the two. Up to that point they had only had one speech directly against the Bill, because the hon. Member's (Mr. Halsey's) speech was not against the principle of the measure; he objected only to the manner and the time in which it was brought forward, and in saying that he thought he was supporting the Report of the Committee, in favour of which he had voted. That was not, however, the part of the Report of the Committee to which they objected. The part of the Report to which they objected was that in which it was declared that it would be undesirable to extend the hours of polling in boroughs, in the absence of any urgent necessity, and in the face of certain difficulties which had been indicated. Now, they did not see that there was anything undesirable in the matter. They did not see that any harm could arise were the hours of polling extended in every borough constituency and even in every county constituency throughout the Kingdom. The hon. Member for Clitheroe (Mr. Assheton) asked very emphatically why that had been made a Party question? Well, he could not understand how it had come to be made a Party question, except through the mismanagement of the Party opposite. Up to last year it was not a Party question. The Committee which sat in

1877 included the majority of Conservative Metropolitan borough Members, and its Chairman was the then President of the Board of Trade (Sir Charles Adderley), and yet that Committee unanimously reported that the case in favour of the extension of the hours in Metropolitan constituencies had been clearly made out. Up to that point there was nothing of a Party character in the matter. But when the Committee was re-appointed in 1878 there was a considerable change made in its *personnel*. Now, exception has been taken to the limited nature of the inquiry of the Committee. On what account was it that they did not go further into the evidence? that they did not get more witnesses to prove the necessity and desirability of the extension? Why after they had examined a certain number of witnesses representing political and trade organizations of working men in all parts of the country the Committee considered the question of receiving further evidence; and he most distinctly recollected their saying that if those Members who opposed the extension of hours were not satisfied with the amount of evidence that they had brought on the point, they were ready to go on *ad infinitum*. Those Gentlemen, however, replied—"You can go and get secretaries and representatives of working men, and evidence of that sort *ad infinitum*, but we do not want a repetition. We have heard all their arguments, let us go on to something else." And it was on that account that they did not go into the question of comparatively smaller boroughs at all length. They did, however, go into the case of one or two of them; and if hon. Members would look at the evidence of the last two witnesses, they would find that they were representatives of small and scattered boroughs. As to the case of Ireland, unfortunately the Member representing the Home Rule Party who was appointed on the Committee chose not to attend on it, and, therefore, there was no one to conduct the case on behalf of Ireland. He did not know that there was any great demand for this reform on the part of Ireland; but if there was not, he could well understand why there should not be—for the simple reason that there was no working class constituency in Ireland. The franchise was totally different in Ireland to that in this country, and, consequently, the grievance might not arise and might not exist. But

Mr. Wheelhouse

as to what did occur; had the hon. Gentleman the Under Secretary of State for the Home Department (Sir Matthew White Ridley) taken up the position which had been taken to-day by the hon. Member (Mr. Halsey), and had he said that this was not the time to consider the question of an extension of the franchise—had he simply said that the Ballot Act would expire in another year, and then that the matter could be taken in connection with other matters that would then arise, he did not think his hon. Friend (Mr. Chamberlain) would have had any reason for bringing in his Bill. What had justified him in acting now was the distinct expression of opinion hostile to the principle of extended hours contained in the Report of the Chairman of the Committee of last year. There were one or two points to which he should like to call attention which had not yet been noticed. The convenience of, and the necessity for, an extension of the hours of polling were so evident to unprejudiced persons that when the Education Act came into operation, the hours of polling in the Metropolitan boroughs were fixed by the Privy Council at from 8 to 8, and the official witness who gave evidence upon the point told them distinctly that the reason why the hours were so fixed by the Education Department was because of the obvious necessity for giving facilities to the working class voters, who, unless the hours were so extended, would have no opportunity of recording their votes. As he had said, his constituency had all along shown a great interest in the matter; and he could safely affirm there was no domestic political question on which he had been so repeatedly catechized by them as on that question of the extension of the hours of polling. Last year, when the Committee was sitting, his constituents sent up a Petition signed by 12,000 or 13,000 artizans, each of whom appended his address to his signature, praying for an extension of the hours of polling. Well, they asked what were the arguments against it? The arguments were that there would be a serious increase of expense, and a great risk of disturbance. As to the risk of disturbances, all the evidence given before the Committee of last year on that point was theoretical; and he verily believed that was one reason why the Under Secretary of State for the Home Depart-

ment, who, he must say, approached the subject in a very fair and impartial manner, and afforded them every facility for bringing up the evidence that they desired—he said that was one of the reasons why he did not adopt the same view as that which was adopted by the Chairman of the Committee in 1877. For before the Committee of 1877 they had practical men, and they one and all laughed at the idea of danger to the peace. It was almost absurd and quite useless to bring up one Town Clerk after another last year, and to repeat a dialogue like this—

“You have had no experience of extended hours of polling?—Not at all. You think it would be attended with considerable risk?—Yes. You think it would not be very desirable?—I am sure of it. You think it would cause additional expense?—Obviously.”

The fact was that those witnesses were naturally averse to incurring any extra trouble; but on the previous Committee they had examined men who had had actual experience of the longer hours, and they had facts and not theories. The consequence was that they had practical and conclusive evidence in favour of such an extension of hours, and the Committee of 1877 reported accordingly. His hon. Friend (Sir Charles W. Dilke) had referred to Colonel Henderson's evidence; and, as it was important on the point of increased danger of rioting, he might be permitted to make a further reference to it. Colonel Henderson was asked whether, in his opinion, the hours of polling at Parliamentary Elections in the Metropolis could be safely extended? and he said—

“He saw no objection to it whatever. Since the passing of the Ballot Act we have never had the slightest trouble at any Election which has taken place in London, and the places that used to be the worst are now the best; so that, from a police point of view, I do not see any objection whatever to extending the hours.”

He was then asked if he had had any experience of rioting? He said—

“Yes, in the Tower Hamlets, which had always been a hot-bed of rioting, but since 1870 had given no trouble whatever.”

Now, experience of that sort was of some value; but to argue that because a number of Town Clerks and Chief Constables of towns, who had had no experience on the subject, contradicted each other, therefore a danger of riot had been proved, was absurd. They did not go

into the London experience in the matter, they did not bring up practical evidence before the Committee last year on that subject, because the Report of the Committee of the previous year had been referred to them. It had been referred to them; but he could not say how many Members of the Committee took the trouble to read it. Then, as to the consideration of expense, they had been told that the expense would be increased. The first Committee had approached that question also from a practical standpoint. There had been previously in London three School Board elections, all from 8 to 8. What did they find? He specially examined one witness after another with respect to the comparative expense of the School Board and Parliamentary Elections in the Metropolitan boroughs; and, referring to that evidence, he found some rather remarkable facts. Mr. Ellis, who acted as the Returning Officer for Hackney, told them that the Parliamentary constituency of that borough numbered 44,000, while the School Board constituency numbered 56,000. There were two Members returned to Parliament, and five members to the School Board, and in the case of the School Board's election there was the additional complication of the cumulative voting. The risk of riot in the School Board election, if any, would be, of course, increased from the fact that those elections took place all through the Metropolis on the same day; and yet the School Board elections passed off with perfect quiet, and cost only £800, as against £1,150 for the Parliamentary Election. Again, in Marylebone, they found that four School Board elections had taken place. On the first occasion, 125,000 votes were recorded, and the total of the official expenses was only £669; whilst, on the second occasion, 136,000 votes were recorded, and the official expenses were £735. This showed very clearly that a mere extension of hours need not involve any increased expenditure. If there was, it would be a mere bagatelle. The Sheriff-Clerk of Glasgow, who had gone minutely into the case, said that in that large constituency the increased expenditure would probably amount to about £500. His hon. Friend (Mr. Chamberlain) had referred to the case of Morpeth, where a holiday was necessitated by the short hours of poll-

ing, which cost the men £1,000, and the masters probably much more. It was worthy of remark that the men who were in favour of the extension of hours were not so in favour of it on the ground that the extra expense incurred would come out of other men's pockets, because they were all in favour of the official expenses being put upon the rates. An objection which had been raised to the proposal of his hon. Friend was that it was not right to thrust it upon towns which did not want it. To meet that objection, he (Dr. Cameron) submitted to the Committee an alternative Report, recommending that a distinction should be drawn between boroughs of a population of 100,000, and boroughs with less than that number, and that the presumption in the first case should be in favour of the longer hours, and in the second case in favour of the shorter hours, but that every Town Council should have the power to adopt, by special resolution, the short hours in the case of the larger, or the longer hours in the case of the smaller boroughs. He believed that plan would very soon work itself right, and would adjust the hours to the local requirements and the wishes of each constituency. He had very little doubt that few of the larger boroughs would choose the shorter hours; because the support given to the proposal for extension by Conservative Members for large constituencies was significant of the wishes of those whom they represented. He would not enter more fully into the matter, and would only add that he hoped the House would give the Bill a second reading.

Mr. A. GATHORNE-HARDY said, he thought the cautious and careful Report of the Committee of last Session ought to be sanctioned rather than the proposition of the hon. Member for Birmingham. Let the experiment be tried in the Metropolis at the next Election; and, if it succeeded, then the legislation might be extended to the rest of the country. Scant justice had been done to the witnesses who gave evidence to the Committee on this subject, and who pointed out a great many inconveniences which might result, and which ought to be considered before the House rushed into further legislation. No doubt, in the case of large boroughs, it would have been easy to have multiplied witnesses in favour of longer

hours; but he did not make the same admission with regard to the smaller boroughs, which did not desire longer hours unless some local peculiarity of trade rendered them necessary. There could not be much necessity in a borough like Wenlock, where 3,121 out of 3,492 voters went to the poll, and the majority of them did so before half-past 2 o'clock. Even the secretaries of trade councils and others who advocated extension admitted that they always managed to record their votes. The passing of the Bill would be inconvenient to smaller boroughs in several respects. Every witness before the Committee admitted that there would be an increase of expense. The officials would have to be paid at a higher rate than at present if the hours of polling were extended. It was easier to bribe and personate in the dark than in the light, and the danger of drunkenness would increase, accompanied with riot and disturbance. Another objection was that the Bill would make voting gregarious, the working men would come up together in large numbers, and there would be enlarged opportunities for intimidation. They could not argue, as the hon. Member for Liverpool (Mr. Rathbone) did, that because one Election had passed off quietly all others would do so. It was the members of trades councils who were not apprehensive of disturbance; but those who were responsible for the maintenance of order did not view the proposal with equanimity. One of the witnesses examined by the Committee was Sir Joseph Heron—[*A laugh*—who had been 40 years Town Clerk of Manchester. Hon. Gentlemen laughed at Sir Joseph Heron's name—[“No, no!”]—and evidence; but he ventured to say that Sir Joseph Heron's evidence was worth as much as that of many other witnesses who were called, and it was given in no uncertain voice. Sir Joseph Heron said an extension was wholly unnecessary, and that, with one exception, the representatives of 30 Corporations, whom he had occasion to meet on another subject, were unanimous in thinking such an extension undesirable and dangerous. The Chief Constable of Sheffield said he would not like to be responsible for order if voting was to be carried on in the dark. Since then a Circular had been sent to the 28 Corporations, including those of Ashton-

under-Lyne, Birmingham, Blackburn, Bradford, Burnley, Chester, and Edinburgh, and of that number only seven were favourable to this extension. For these reasons he supported experimental legislation.

Mr. HIBBERT said, he did not intend to keep the House long after the able speeches that had been made; but he wished to state the peculiar position in which he was placed as regarded the Bill before the House. The opinions of Town Clerks had been quoted in favour of the measure; but he looked at the matter from a much broader point of view. He thought, from many of the speeches heard that day, and from the evidence which was taken by the Committee, they could not come to any other conclusion than that there were several reasons why the hours of polling should be extended; while, at the same time, something, he thought, might be said why the proposed alteration should not be extended to every town. He himself did not certainly approve of all the details of the proposal as contained in the Bill before the House, for he did not think it desirable that a hard-and-fast line should be made to apply to every borough in the Kingdom, whether it was a large borough or a small one; but, at the same time, he could not admit the distinction which had been made by several hon. Members who had spoken as to the great difference between large and small boroughs. He thought the distinction which ought to be made was whether a borough had a large working-class population or not, because the only reason for the measure before the House was to meet the wants and requirements of a certain class of people who could not, under the present law, give their vote in the time laid down by the Act of Parliament. His hon. Friend who moved the rejection of the Bill, in his pleasant speech, seemed to be perfectly satisfied to have things as they were. He took for his text, “Whatever is, is best;” and if, when the hours were fixed, it had been laid down that they should be from 8 in the morning till 8 in the evening, he thought his hon. Friend would have accepted them, and been just as strongly in favour of those hours as he was in favour of the present ones. Let them consider what the position of affairs was when the law was passed. When the Act which at present

regulated the hours of polling was passed there were only a very few working men in the constituencies. He would only mention one case of his own borough, which would show what a great difference there was between the old suffrage and the present one. Before the last Reform Act the number of constituents in his borough was somewhere between 2,000 and 3,000, and very few of those of the working-class character; but at the present time, since the Reform Act, there were about 23,000, so that they might say that at the present time there were nearly 20,000—certainly 18,000 or 19,000—out of 23,000 voters, who were of the working classes; and it was on that ground that he supported the proposition for the extension of the hours of polling, because he could not think that those who were engaged in the various industries in the country—and particularly those who worked in factories—were enabled to record their votes, within the time specified by the Act of Parliament, in the easy manner which was desirable. So far as his own borough was concerned, he was prepared to admit that the employers of labour there nearly always, on the afternoon of the Election day, closed their mills; but they did so because of the interest felt in the Election, and because of the excitement which was manifested. But they had no right to expect that employers of labour would do such a thing, and they ought really not to be put to such an inconvenience, and to the loss of even half-a-day's profit, for such a purpose. There was a great deal more to be said in favour of municipal elections than Parliamentary. Parliamentary Elections did not take place so often, perhaps not more than once in four or five years; therefore, the loss of a day's work and pay was of comparatively little moment; but municipal elections occurred once a-year, and the working people did not care about sacrificing a day's labour on every occasion. They were thus debarred, under the present system, from recording their votes. If they compared the number of votes given at Parliamentary and municipal Elections, they would find that the votes given at the latter were fewer than those given at the former. That was, no doubt, owing to the reason that people did not care to lose their day's work for a municipal election. The hon. Gentleman who last addressed

the House suggested that they should try the experiment, as they had now the chance of doing, by the Act applying to the Metropolis; but he wanted to know why the working classes of the country should be left without an opportunity of recording their votes, as many, indeed, were while the experiment was being tried? He thought there was nothing to show the House that there was any reason to fear any great danger from the change that was proposed. As to the question of riots, he thought riots had ceased in our Elections since the passing of the Ballot Act; for in no case, with one exception, had a riot taken place at an Election since the passing of the Act. If the polling was to go on until 8 o'clock at night, in his opinion, there would be just as much quiet as when it was closed at 4. He knew from personal experience that at Elections the military had had to be called into towns in order to preserve the peace until the close of the poll; but the reason why the presence of the military was needed was because the people knew from hour to hour what was the state of the poll, and on that account there was the greatest excitement, and in many cases, riot. In one instance he remembered he had to declare the poll at 11 o'clock at night to some 20,000 people, but there was no rioting, only great excitement; and he believed that there would never be anything worse if they did not close the poll till 8 o'clock at night when the proceedings were carried out under the Ballot. With regard to the inconvenience which some hon. Gentlemen thought might be experienced in large bodies of workpeople coming to the poll together, he did not share in that fear, and thought that intimidation had also ceased from the time the Ballot Act was passed. He would not say there were no cases of bribery and treating; but that was generally carried on in secret and in the dark, and had no reference whatever to the time the poll was closed. What was really needed to stop personation was not so much fixing the hours of closing the poll at an early or late period; but what was wanted was to divide the district into a great number of small polling districts, so that one or two persons should know every voter in the district and would thus be able to detect any attempt at deceit. He thought that

Mr. Hibbert

much greater protection than anything else. It had been stated that only seven boroughs were favourable to the proposal of extending the hours of polling. He contended that even if that were so, the law should be altered so as to meet their wishes, while the other towns could retain the Act as now provided. He would suggest that the best method in which to accomplish that would be to give the authorities in those particular towns the power to extend the hours according to the number of the population, so that those classes of the people who were really unable to vote in the given time, and needed the extension in order to record their votes, should be enabled to do so.

COLONEL BERESFORD supported the second reading of the Bill, as all the evidence taken before the Committee went to show how desirable it was, in the interests of the working man, that he should have every facility for recording his vote. He was not afraid of shadows, and, therefore, paid no attention to the argument that the change would lead to riot and disturbance. He wished to see every one of his constituents enabled to give his vote at the Parliamentary Election. If the Bill were not passed, the practical effect would be the disfranchisement of large numbers of the working classes, who had conducted themselves very well at the London School Board elections, when the poll was open until 8 o'clock in the evening. He had great confidence in the working classes, and he hoped the Bill would be passed as a measure of justice.

MR. H. SAMUELSON likewise supported the second reading of the Bill. He believed that if the hours of polling were extended, there would be less danger of the polling day becoming a kind of holiday; and that being so, there would be less drunkenness and disturbance. It might also tend to reduce the expense, because, possibly, fewer polling stations would be required. He had no hesitation in saying that at present a large number of voters were disfranchised simply because they could not attend the polling station within the hours at present fixed; and he considered that the balance of argument was strongly in favour of the Bill. The importance to be attached to the opinion of Sir Joseph Heron, who did not claim any personal experience, was to be qualified

by his remark that it was monstrous to expect pollclerks to work for 12 hours a-day.

MR. SERJEANT SPINKS opposed the Bill, and remarked that this was a very different measure to that which was recently introduced having reference to the Metropolis. The Committee of 1877 upon the Hours of Polling in the Metropolitan Districts, of which he was a Member, sat to inquire into the hours of polling to be provided for a particular district, a district comprising some 10 or 11 boroughs, lying close together, and having similar businesses, trades, and occupations. With regard to every one of those boroughs there was most clear and distinct evidence before the Committee to the effect that there existed in each of such boroughs a class of men who were so situated that, under the existing hours of polling, it was impossible for many of them to exercise the franchise. After fully weighing the evidence, he came to the conclusion that he could not do otherwise than give his vote in favour of the proposition of the hon. Baronet the Member for Chelsea (Sir Charles W. Dilke) to extend the hours of polling in the Metropolitan boroughs. But now they had before them a Bill to extend the hours of polling, not in 10 or 11 boroughs lying together, and thus peculiarly situated, but probably in 200 boroughs, situated in various parts of the three Kingdoms. The evidence pointing to the necessity for the present Bill was of the most meagre description. There were a few boroughs—such as Liverpool and Glasgow—in which it might be well to extend the hours of polling, and if a Bill for any such purpose were introduced he should most probably vote for it; but when he found that this proposition was intended to apply to large and small boroughs alike—to boroughs even with an electorate of less than 1,000—he could not but think that he was right in opposing it. It was true that the hon. Member for Birmingham (Mr. Chamberlain) had placed himself in the hands of the House, inasmuch as he had expressed his willingness to have the Bill cut down in any way in Committee, providing the general principle were adopted. This could not be considered a satisfactory way in which to bring a Bill before the House; in fact, it could only be characterized as angling

for votes. There was one argument that certainly weighed with him in favour of the Bill, and that was the very awkward predicament in which some working men were placed as regarded the recording of their votes. In the generality of instances, however, masters afforded facilities for their *employés* to vote, considering that it would be improper and a scandal to place impediments in the way; and he (Mr. Serjeant Spinks) was inclined to think it would be wise that some arrangement should be made by which it should not be in the power of any man to put obstacles in the way of the exercise of the franchise. If a clear and distinct proposition of that nature were introduced, he should have no hesitation as to the way in which he would record his vote. Looking to the Bill itself, which was of a very large and sweeping character; to the willingness on the part of the promoters to have it cut down in Committee to any extent, which showed their want of confidence in the Bill they had introduced; and to the opinion of his hon. Friend and Colleague (Mr. Hibbert), who spoke in a rather faltering manner in favour of the Bill, he had no hesitation in voting against it.

MR. W. E. FORSTER supported the Bill. He was anxious to see the line that would be taken, not only by hon. Gentlemen opposite, but by the Government. The hon. Gentleman who moved the rejection of the Bill (Mr. Assheton) seemed to think there was really no grievance that it was necessary to attend to; while the hon. Member for Canterbury (Mr. A. Gathorne-Hardy), who was on the Committee, and had made an able speech, did not deny that there was some grievance in the case of large towns; but he seemed to suppose that we must be content with what he called "experimental legislation" in the Metropolis, in order to see how that would work by the next Election. He (Mr. W. E. Forster) saw no reason why the Metropolis should be regarded as a test for other large towns, and by which we were to ascertain whether the hours of polling should be extended or not. He was anxious to hear what the Under Secretary of State for the Home Department (Sir Matthew White Ridley), who knew the question in all its bearings, and who was besides, he (Mr. W. E. Forster) might say, the impartial Chair-

man of the Committee, had to say on this subject. It could not for a moment be supposed that the Government would allow a matter like this to rest till after the next Election. It was a small matter in one sense, but it was a very large matter in another. If they took the arguments against the change, it would be found that none of them were arguments of any great force, or were what might be called comprehensive arguments. On the other hand, it had been clearly shown that the matter was a very grave one. Indeed, by our legislation, we had given a very large number of working men the right to vote. The State had imposed upon them the duty of voting, and expected them to vote; yet, by the arrangements of our polling hours, we made it as difficult as possible for them to exercise that right. That, really, was a great grievance. He, therefore, could not suppose that the Government intended to go to the country at the General Election on the principle that they would refuse to listen to arguments which showed how a large number of persons in important constituencies might vote without any great inconvenience or loss to themselves. He was sure the Under Secretary of State for the Home Department was not of that opinion, because the Report which he drew up would contradict it. It was a very near Committee in point of opinion. The morning on which the Report was drawn up there happened to be a majority on the side of the hon. Member for Birmingham (Mr. Chamberlain); but after the Report of the hon. Member for Glasgow (Dr. Cameron) had been taken in place of that of the Chairman, an additional Member came in who supported the Chairman in bringing back the Report to his own views. He (Mr. W. E. Forster) thought the Under Secretary would not have been sorry if the Report of the hon. Member for Glasgow had been taken. But what was the Report which they had got? The first part of it was a very strong argument in favour of the change, and that it should not be put off. He would ask the hon. Member for Clitheroe (Mr. Assheton) to pay attention to what was the opinion of the Government through the Under Secretary, and what was the opinion of the Committee. It was the opinion of the Committee that, for various reasons—

Mr. Serjeant Spinks

"The artisans had been prevented from recording their votes, and had been put to great inconvenience where they had done so."

They could not have stronger evidence than that. It would simply be trifling with the House to attempt to bring forward any grievances after quoting those words. The next paragraph stated—

"The witnesses were unable to suggest any other remedy than to extend the hours of polling, and the Committee were satisfied there was no other way of meeting the difficulty."

Well, the Government, not being anxious to bring in a Bill, suggested that the matter should stand over for some time, which they did not attempt to limit, for the purpose of seeing the effect of the extension in the Metropolis. That looked very much as if, when the suggestion was made, there was an idea on the part of the Government that we should have had a General Election before the time contemplated. No one now had any idea when the next Election was to come. He did not suppose the Government meant to say they would allow this matter to stand over, and that they would go before the country knowing that a large number of men would be unable to record their votes. He could not help thinking that, in the sort of statement they would make as to the way in which they were going to settle this matter, they would also give some information about the General Election. Leaving that matter, however, he would just say a word as to the line taken by the hon. Member for Clitheroe. The hon. Member made a very good speech, considering the bad case which he had. Surely, the ground which he took would not be taken not merely by the Government, but by any number of Gentlemen in the House, no matter on which side they might sit. What was it that the hon. Gentleman said? Why, that if the working classes were not willing to give up this small part of their income for the purpose of recording their votes, they did not deserve to have votes, and that the House ought not to interfere. Now, that was pure class legislation. The House, it was argued, ought not to interfere, because it was only the working classes who were concerned. Hon. Gentlemen might think that part of a day's wages was a very small thing to lose, and so it would be to hon. Gentlemen; but to the working men it was a very

large sum indeed. Would hon. Gentlemen expect their middle-class supporters to sacrifice the whole of a day's profits for them? The House had no right to condemn the working men to it, nor had they a right to blame them if they did not make the sacrifice. The hon. Gentleman said that working men were too timid to ask their employers for a holiday. He (Mr. W. E. Forster) saw no reason why working men should be compelled to go and ask their employers, who often differed from them in politics, for a holiday in order to go to the poll. Again, the hon. Gentleman said the working men who did not vote were the most ignorant, vacillating, and idle portion of the community, and, therefore, we ought to do without their votes. He (Mr. W. E. Forster) could not for one moment believe that the Under Secretary would take that ground. He would not attempt to answer the objections to the Bill, except in a very few remarks. They had already been well answered. He might just say this—that they had now found out that any objection which had any real force had lost that force. Three objections had been alluded to—namely, the increased expense, the danger of personation, and disorder. As regarded expense, that would be a very small addition, and would only bear a very small proportion to the general expenses of the Election. With respect to the danger of personation, he thought they had got to that point in the improvement in gas-light, to say nothing of the electric light, that they might fairly trust that the authorities would be able to turn up the light on those who came to the poll so as to defeat any attempts in that direction. The only objection in former times which had any force was that of disorder. His hon. Friend (Mr. Chamberlain), in his very able speech in bringing on the Bill, gave an interesting history of the proceedings with regard to the hours of polling. The hon. Member for Birmingham complained of the vacillation of the late Government in dealing with this question. He (Mr. W. E. Forster) would remind the hon. Gentleman that when he came to bring a measure through the House of Commons he would have to be very careful of side-issues. When he (Mr. W. E. Forster) brought in the Ballot Bill, the House and the country were not con-

vinced there would be no disorder in evening voting, because they judged of the danger by the then system of voting. The experiment might have been dangerous then. He had confidence as to how the Ballot would prevent disorder, but the House had not; and, in order to secure the passing of the Ballot Bill, he was obliged to give up the question of the hours of polling. Now they had experience to guide them. Now that the people were not made acquainted with the state of the poll, chances of disorder had been very much diminished. Experience had also been gained of the working of School Board elections. There was one objection, however, which he thought had something in it, although it was not a very strong objection after all. He believed there were several towns in which the grievance was not a particularly severe one. It was felt in several large towns that the present hours were quite sufficient for the purpose, and there was no general desire to lengthen them. He was glad, therefore, to find that the hon. Member who introduced the Bill was quite willing to make a limitation as to boroughs. No doubt, there were many small boroughs where no change was needed; but, on the other hand, there were boroughs, not large, like Morpeth, where an alteration would be of great service. He (Mr. W. E. Forster) had hoped the hon. Member for Morpeth (Mr. Burt) would have been able to show the House how the present system worked there. The presumption, however, ought to be that the less hours were necessary for large boroughs. He would not lay down any exact limit as to population. That was a matter to be decided by a Committee on the Bill. He thought that in making the presumption for less hours in large and for the present hours in small boroughs, power might be given to the Town Council to determine what the hours should be—say, for a particular number of years, giving the Council power to lengthen the hours if they thought fit. He (Mr. W. E. Forster) understood his hon. Friend was only asking the House to vote for this principle—namely, that instead of compelling working men to vote at great inconvenience, and at a great sacrifice to themselves, they should so arrange the hours of the poll as to

enable them to vote without incurring any loss. That was a principle for which he (Mr. W. E. Forster) should gladly vote. He could not understand how any hon. Member on either side of the House, much less any responsible Government, could refuse to support that principle.

SIR MATTHEW WHITE RIDLEY said, the right hon. Gentleman who had just sat down wished to obtain some information from him as to whether the question before the House would be dealt with by Her Majesty's Government before the General Election, and also as to when the General Election might be expected to take place. He would state, at the outset, that he had no information as to what the Government intended to do in this matter, and still less had he any idea as to when a General Election might be expected. The right hon. Gentleman had done him no more than justice, when he said that the inquiry last year had been conducted throughout in an unbiassed manner. The Report proposed by him, to which reference had been made, spoke as to the view he held. It appeared to him—and the Report stated it—that in many boroughs of large extent the present hours of polling did impose a difficulty upon the working classes, and, therefore, a grievance existed in the way of recording their votes. He felt that; and he also felt that, as far as the evidence went, no means of meeting that grievance had been shown, except the extension of the hours of polling to 8 o'clock in the evening. The only way in which Party came in was, that the Conservatives were, perhaps, more cautious than the Liberals in determining upon the means of meeting a grievance which they did not deny. He was himself more alive to the difficulties and dangers of the subject than some Members of the Committee. On the question of increased expenditure there was not much to be said, and too much stress ought not to be laid on that ground of objection. Sufficient importance had not, however, been given to the opinions expressed by the Mayors and other authorities who had been examined, and who were responsible for order in their several localities. It was not quite a fair way of getting rid of their objections by saying that those gentlemen were personally interested in preventing an extension of hours. He

Mr. W. E. Forster

attached some importance to the fears they expressed; and, besides, he would appeal to hon. Members who had any knowledge of the subject as to the sort of thing which went on during the last half-hour before the close of the poll in some of the smaller constituencies. That, he thought, was the critical time when bribery might be expected to prevail. It was a question whether the practice of bribery at Parliamentary Elections had been diminished to any material extent by the passing of the Ballot Act; but he thought no one could doubt that the extension of the franchise had tended in that direction by largely increasing the number of persons entitled to vote, and so making bribery a much more costly process than it was in the days of small constituencies. No one could doubt that the question proposed to be dealt with by the Bill of the hon. Member for Birmingham was one beset with difficulties, and, at the same time, presenting points in which real grievances existed; but the details involved were not easy of settlement. There was much to be said in favour of the suggestion which had been made by the hon. Member for Glasgow (Dr. Cameron), that in boroughs of above 100,000 population the presumption should be that the hours of polling were extended to 8 o'clock, and that in boroughs below that number the presumption should be the other way; but that, in both cases, discretion should be given to the Town Councils either to extend or diminish the hours. That proposal had, to his mind, some considerable weight; but he felt there were considerable objections also to intrusting such powers to Town Councils, inasmuch as it might introduce an element of discord. He apprehended that if such a measure were agreed to, it would have to be for a fixed period of years and under certain limitations. No doubt, the proposition was worthy of consideration; but the Bill before the House was an entirely different matter. It was not in any sense a carrying out of the Report of the Committee, or of the alternative Report proposed by the hon. Member for Glasgow (Dr. Cameron). The difference between the two Parties in the Committee was not so very great. It was really the difference which naturally existed between the two political Parties of the State. His own Party

regarded with more caution the proposed change, and thought that time should be given to see how the experiment worked in the Metropolis. They also foresaw a greater element of danger than did the others; and, consequently, he had now to recommend to the House the Report of the Committee rather than the Bill of the hon. Member for Birmingham (Mr. Chamberlain), which proposed to enact that in every borough in England, Scotland, and Ireland, the hours should be extended to 8 o'clock, and that not only for Parliamentary Elections, but apparently also for all elections of whatever kind. He thought the House could hardly be expected to agree to that. It was said by some, as, for instance, by the right hon. the Member for Bradford, that voting for a Bill like that was no more than voting for an abstract Resolution in favour of extension of hours, and in favour of remedying what was, doubtless, an admitted grievance in many parts of England. For his own part, he declined to take that view; and it appeared to him that if the Bill were to be made acceptable to the House, it would have to be altered to one of an entirely different character. The Government, therefore, could not assent to the second reading of this Bill, which would mean immediate legislation on a uniform rule. There were cases in which the voters had not an opportunity of voting without sacrifice of working time, and that could not be the intention of Parliament; but this crude and undigested scheme did not meet the difficulty. Any proposal on the subject must recognize the fact that in a smaller borough, owing to the distance of workmen from their homes, more time would be required than in the large boroughs, where they lived close to their work, and he did not think this Bill afforded a satisfactory solution.

Mr. CHAMBERLAIN, in reply, expressed his regret that, speaking on the part of the Government, the Under Secretary had not been able to give the House some more definite information as to the course they intended to take. The question now remained in this state—that here was an acknowledged grievance which the Government distinctly refused to entertain.

Mr. GOLDNEY opposed the Bill, on the ground that its principle had been tried and had failed.

Question put.

The House divided :—Ayes 165 ; Noes 190 : Majority 25. — (Div. List, No. 117.)

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

CONTAGIOUS DISEASES ACTS.

Select Committee appointed, "to inquire into the Contagious Diseases Acts, 1866—1869, their administration, operation, and effect:— Mr. CAVENDISH BENTINCK, Mr. STANSFELD, Colonel ALEXANDER, Sir HARCOURT JOHNSTONE, Viscount CRICHTON, Mr. SHAW LEFEVRE, General SHUTE, Mr. BURT, Mr. BULWER, Mr. O'SHAUGHNESSY, and Five Members to be nominated by the Committee of Selection:—Power to send for persons, papers, and records; Five to be the quorum.

Ordered, That all Reports and Returns thereto relating be referred to the said Committee.

Ordered, That it be an Instruction to the Committee, that they have power to receive Evidence which may be tendered concerning similar systems in British Colonies or in other Countries, and to report whether the said Contagious Acts should be maintained, extended, amended, or repealed.—(Colonel Stanley.)

House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, 12th June, 1879.

MINUTES.]—SUPPLY—considered in Committee—Resolutions [June 9] reported.

EAST INDIA REVENUE ACCOUNTS—considered in Committee—Adjourned Debate [May 22] resumed.

PUBLIC BILLS—Second Reading—East India Loan (£5,000,000) [197].

Committee—Common Law Procedure and Judicature Acts Amendment [181], [House counted out].

QUESTIONS.

SOUTH AFRICA—THE ZULU WAR—ESTIMATE OF EXPENDITURE.

QUESTIONS.

MR. CHILDERS asked Mr. Chancellor of the Exchequer, When the Estimate

of the expenditure for the War in South Africa during the present financial year may be expected to be laid upon the Table?

THE CHANCELLOR OF THE EXCHEQUER: Sir, I have been anxious not to lay the Estimate of the expenditure for the South African War before the House until I was in a position to form as accurate an idea as possible of the amount likely to be required. That depends on two circumstances—the expenditure per month, and the length of time which the war is likely to last. At the present moment we are in a position of some difficulty, especially in regard to the second of those considerations. The latest information that I have as to the actual amount of expenditure does not go down later than the 20th of April. The expenditure, according to the information I have to that date, was proceeding at the rate of somewhat more than £500,000 per month. We have, I hope, cleared up the expenditure to the 31st of March, and, therefore, if during the months of April, May, and June, the expenditure is to be taken as proceeding at the same rate, you would have an expenditure of £1,500,000 or £1,600,000; and if the war be concluded, as we hope it may, by the end of June, there would probably be nothing to disturb the calculations of the Budget. Of course, I am not at present in a position to say when we may hope for a termination of the war; neither am I in a position to say that the expenditure is now going on at the same rate as at the beginning of April. I think it is for the convenience of the House that I should defer laying any statement on the Table till I am in a position to make one that will command more confidence than any which I could make at this moment, and I think my right hon. Friend will see that it is better that I should defer it for some time longer. Of course, we must take a Vote some little time before the close of the Session, and when we do so, I shall be able to state the grounds on which the Estimate is based.

MR. CHILDERS: Did we clearly understand from the earlier part of the right hon. Baronet's answer that up to the end of the last financial year the whole charge of the war has been met—not only the charge on the Exchequer which comes in the shape of drafts on home, but the whole real cost to that date?

THE CHANCELLOR OF THE EXCHEQUER: Yes; so far as our accounts go, we believe that is the case. I always speak with some diffidence about accounts from a Colony at that distance; but as far as we can make out, we believe that charge is covered by what was advanced in the last financial year.

SIR GEORGE CAMPBELL, who had given Notice of his intention to inquire whether the Chancellor of the Exchequer's Estimate of £1,500,000 was likely to be exceeded, said, that after the statement just made, he did not think it necessary to put his Question.

ARMY MEDICAL SERVICE—INVALIDED MEDICAL OFFICERS.—QUESTION.

MR. GOURLEY asked the Secretary of State for War, If the rule exists that medical officers of the Army who from the effects of climate are invalided home before completing their term of service, are after the expiration of their sick leave placed on temporary half-pay, if declared by a medical board to be unfit to resume their appointments abroad; and if such is the regulation, whether, owing to the reduced state of the Army medical department and the heavy strain recently put upon it, a considerable saving of public money might not be effected by employing such officers as might be found fit by a medical board on home service?

COLONEL STANLEY: Medical officers who have been invalided home are, by the Regulations, placed on temporary half-pay for six months, and if they are then found unable to return to their stations are placed on the permanent list. It would not be for the good of the Service to employ those officers who are temporarily incapacitated to fill up vacancies abroad; but as regards the employment of such officers at home, it is contemplated so to employ officers on permanent half-pay in certain stations where their services can be utilized.

THE ANNUAL FINANCIAL STATEMENT.—QUESTION.

MR. J. G. HUBBARD asked Mr. Chancellor of the Exchequer, Whether he will direct that the Analysed Statement of the Public Income and Expenditure, as shown in Parliamentary Papers 452 and 387 of Sessions 1877 and 1878, be here-

after incorporated in the annual Finance Statement; whether he will direct that the balance sheets of the National Debt Commissioners be dated on the 31st March, so as to correspond with the balance sheet of the Imperial Treasury; and, whether he will provide for the production at the earliest moment of the Public Annual Finance Accounts, which last year were circulated only after the close of the Session?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that he understood the Annual Financial Statement to mean the Budget; and though the Analysed Statements of his right hon. Friend were very valuable and interesting, he should not like to alter the usual form adopted in the Statements of the Chancellor of the Exchequer without very careful consideration. To do so would, of course, disturb the calculations of finance with reference to former years. With regard to the second part of the Question, he could not give directions as to the dating of the balance sheets, because some accounts were by legislation ordered to be brought down to a particular date, and there would probably be difficulty and expense in making alterations in them. In regard to the publication of the Public Annual Finance Accounts, the Government was anxious to do all in its power to produce them as early as possible; but it was more important that they should be correct than that they should be early; and the Clerk of the Treasury, who was charged with the duty of preparing them, was so fully burdened with work that the Government could only say that it would use its best endeavours to procure an early publication.

NORTHERN BORNEO—CESSION OF LAND, &c.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, with regard to the cession of territory in Northern Borneo to a British trading Company, When Papers on the matter will be presented to Parliament; whether those Papers will contain information as to the difficulty which has arisen between the British and Spanish Governments on the subject; and, whether it is true, as stated in the "Standard" of the 6th of June, that the Governor and Commander in

Chief in Labuan has been to the North East coast of Borneo to protest against the hoisting of the Spanish flag, the "Standard" adding that His Excellency was supported by two ships of war?

MR. BOURKE: In answer to the Question of the hon. Baronet, I have to say that the proposal to cede the territory alluded to is still under the consideration of Her Majesty's Government. No decision has yet been arrived at. When the question is settled Papers will be submitted. I cannot say that any difficulty has arisen between the British and Spanish Governments on the subject. Certainly, a correspondence is going on between the two Governments; and when that correspondence is ripe for publication, there will be no objection to lay it on the Table. It is quite true that the Governor and Commander-in-Chief in Labuan has visited the North-East coast of Borneo for the purpose of protesting against the hoisting of the Spanish flag, and his visit was made in a gunboat, which is the only convenient means of locomotion in that part of the world.

MR. W. E. FORSTER: I should like to know definitely, whether anything has yet been decided regarding the cession of territory, or whether any responsibility has been incurred by the British Government; and, also, whether, before any step is taken, full information will be given to the House?

MR. BOURKE: That is another question altogether. As I have said, negotiations on the subject are going on. But whether the Secretary of State for Foreign Affairs may think it desirable that they should be made public, is a question which I am not prepared to answer without Notice.

AFRICA—WEST COAST—SIERRA LEONE CUSTOMS DUTIES.—QUESTION.

MR. A. M'ARTHUR asked the Secretary of State for the Colonies, Whether disturbances have taken place in Scaries River, near Sierra Leone, in consequence of attempts having been made to impose Customs Duties upon the natives; whether the natives of this part of the coast are subjects of Great Britain or amenable to British authority; and, whether the opinion of the Law Officers of the Crown as to the legality of the proposed taxation has been obtained?

SIR MICHAEL HICKS-BEACH: I think the hon. Member's Question is

based upon some misapprehension of what has occurred. In order to avoid loss to the Customs revenue of Sierra Leone, it has been considered necessary to establish a Customs station on the Island of Kikonkeh, which was ceded to Her Majesty in 1847. Duties would, of course, be levied there from the merchants, and the Chiefs in the neighbouring rivers are stated by Governor Rowe to make no objection to what has been done; though, before the matter was explained, there was some opposition on the Island itself to the steps taken by Commander Alington for the purpose, but nothing at all that amounted to a disturbance. Of course, Customs duties can legally be levied in British territory.

CEYLON—FOOD SCARCITY.

QUESTION.

MR. POTTER asked Mr. Chancellor of the Exchequer, If the attention of Government has been called to the statement in the "Times" of June 3rd, on the authority of its correspondent at Colombo, by which it appears that there is the greatest scarcity of food, approaching even to famine, in certain districts of Ceylon; and, whether, under such circumstances, the Government will suspend the Import Duties on grain into Ceylon, as they have done into Cyprus, and also suspend the taxes on grain grown in the island, which tend to discourage its cultivation?

SIR MICHAEL HICKS-BEACH: The statement in *The Times* referred to by the hon. Member appears to complain not so much of a scarcity of food in Ceylon as of a deficiency of means to purchase cotton goods. There has, however, been considerable temporary distress, in the earlier part of the present year, in some districts of Ceylon; but measures were at once taken by the Colonial Government to alleviate it: and there is every reason to anticipate that, owing to this action, and to the rains which fell towards the latter part of March, it will very soon have entirely passed away—if, indeed, it has not already done so. There is nothing in the circumstances which would warrant the suspension of the import duties on grain; and the hon. Member is already aware of the action which has been taken by the Government on the general ques-

Sir Charles W. Dilke

tion of the grain tax from my reply to a Question asked by him on April 3.

INDIA—THE KIRWEE PRIZE MONEY.
QUESTION.

GENERAL SHUTE asked the Under Secretary of State for India, When the complete accounts of the whole proceeds of all the moveable property of ex-chiefs of Kirwee, including the funds retained by the Indian Government, will be presented to the House, in accordance with the Parliamentary Orders of 1873 and 1874; and, if he will be good enough to state the cause of the delay?

MR. E. STANHOPE: The Return is complete. All that passed into the hands of Government, as indicated in the Orders of the Houses of Parliament, was contained in the Return of 1876. I presume, however, that the Question of my hon. and gallant Friend refers specially to certain promissory notes. He will find a list of those notes at page 15 of a Return as to Kirwee prize-money, presented to this House in 1870. The matter was fully discussed in the House of Lords in 1877, and my noble Friend, Lord Salisbury, explained that a decision had been come to on the subject in 1869, after the most lengthened and careful consideration of successive Governments.

ARMY DISCIPLINE AND REGULATION
BILL—LEGISLATION AS TO BOOTY
OF WAR.—QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether he will consider the justice and advisability of adding a Clause to the Army Discipline and Regulation Bill, giving to the Army the same right of appeal as regards "booty of war," as the Navy enjoys in cases of "prize of war," not in order to affect the right of the Crown to grant prize, but in case of dispute to regulate its distribution?

COLONEL STANLEY, in reply, said, that Her Majesty's Government, by the advice of the Privy Council, could order all questions with reference to "booty of war" to be submitted to the Court of Admiralty, under the Act of 3 & 4 *Vict.* It did not seem expedient to make this an imperative obligation; and, in any case, the place for it would not be in the Army Discipline and Regulation Bill, but in a measure to amend the law of prizes.

POST OFFICE—EASTERN MAIL CON-
TRACT.—QUESTION.

SIR GEORGE CAMPBELL asked the Postmaster General, with reference to the new contract for the Eastern Mails, If he will be so good as to explain how the cost is to be distributed between the Mother Country, India, and the Colonies, and especially how the total amount contracted for is to be divided between the Indian line to Bombay and that to Galle and China; and, whether the Australian Colonies are to pay their fair share of the latter with reference to work done?

LORD JOHN MANNERS, in reply, said, that calculations were now being made for the purpose of ascertaining what proportion of the subsidy would be paid by India and what by Ceylon and Hong Kong. A share of the cost which represented the carriage of the Australian mails would be borne by the Mother Country, in accordance with the arrangements under the postal regulations agreed to with the Government of Australia.

SIR GEORGE CAMPBELL asked for an explanation of the principles on which the cost would be distributed?

LORD JOHN MANNERS thought it would not be for the convenience of the House if, in answer to a Question, a Minister was expected to enter into the principles of a scheme which had not yet been sanctioned by the House.

CHURCH OF SCOTLAND—RETURN OF
COMMUNICANTS.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been directed to an article in the "*Scotsman*," dated 27th of May, which throws serious doubts on the truthfulness of a Return recently presented to this House, entitled "*Communicants of the Church of Scotland*;" and, whether, considering the gravity of the charge contained in the article, the Government will appoint a Royal Commission to inquire into the truth or falsity of the figures returned as correct; and, at the same time, confer on the Commission power to purge the roll of any congregation, if it think it necessary, so as to arrive at a true statement of the real number of bona fide members?

THE LORD ADVOCATE (MR. WATSON): We have no reason whatever to

doubt the genuineness of the Returns laid on the Table of the House, and, therefore, it is not proposed to enter into any such inquiry.

CUSTOMS RE-ORGANISATION.

QUESTION.

MR. SULLIVAN asked the Secretary to the Treasury, If the scheme of the re-organisation of the Customs Service now before the Treasury includes the superior officers of the out-door department of the Customs?

SIR HENRY SELWIN-IBBETSON: No, Sir; these officers are not included in the scheme.

HIGH COURT OF JUSTICE (IRELAND)— BUSINESS IN THE CHANCERY DIVISION.—QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If it is a fact that the business of the Chief Clerks' Offices in the Chancery Division of the High Court of Justice in Ireland is in great arrear, and that in some instances certificates of accounts which have been taken in their offices and passed by them over twelve months ago have not yet been put into draft or passed and signed by the judges?

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON): Sir, in reference to the Question of the hon. and learned Member, I communicated with the Lord Chancellor of Ireland, who is not aware of any case of the kind, and he thinks that if such cases did occur they were exceptional. One of the Chief Clerks—the clerk to the Master of the Rolls in Ireland—was some time ago seriously ill, which might have caused some delay; for, under existing arrangements, no one in the office of the Chief Clerk can perform his duties, and this may have created some inconvenience. The Lord Chancellor of Ireland, however, in connection with the pending re-organisation of Departments, is considering this question, and hopes to be able to adjust matters so as to prevent delay in future.

SLAVE TRADE IN SOUTH AFRICA— TREATY WITH PORTUGAL.

QUESTION.

MR. ANDERSON asked the Under Secretary of State for Foreign Affairs,

The Lord Advocate

If a new Treaty has been concluded with Portugal for the suppression of the Slave Trade in South Africa; and if he will shortly lay it upon the Table?

MR. BOURKE: I cannot say, in strictness, that a new Treaty has been concluded for the suppression of the Slave Trade; but a Treaty has been signed with the view of regulating the commerce between the two countries. One of the objects of that Treaty is to gain the advantage to English commerce of a harbour at Delagoa Bay. It also contains some Articles which have for their object the suppression of the Slave Trade both on the East Coast and in the interior of Africa. The Treaty has been signed, but has not yet been ratified. It will, of course, have to be submitted to the Colonies for consideration. Some time must, therefore, elapse before it can be presented to Parliament.

TURKEY—THE TURKISH GUARANTEED LOAN, 1855.—QUESTIONS.

MR. DODSON asked Mr. Chancellor of the Exchequer, Whether any, and, if any, what portion of the sum of £66,022 4s. 11d. which appears from the Second Report of the Select Committee on Public Accounts to have remained due on the 14th of May last from the Porte to the British and French Governments for advances made by them in consequence of the default of the Porte to pay the dividends due in February 1878 and in February 1879 on the Turkish Guaranteed Loan of 1855, specially charged upon the Egyptian tribute, has been received from the Turkish or Egyptian Governments; what is the exact sum ascertained to be payable by Her Majesty's Government to the Porte as the average excess of the revenue of Cyprus over expenditure during the last five years of Turkish Administration; whether the payments of this sum are to be made half-yearly or at what intervals; when the first payment was made or will become due, and the amount thereof; and, when the first payment in respect of the fixed annual sum of £5,000 to be paid by Her Majesty's Government in commutation of the rights reserved to the Ottoman Crown and Government under Article IV. of the Annex to the Convention of Defensive Alliance between Great Britain and Turkey of 4th June 1878, will become due?

THE CHANCELLOR OF THE EXCHEQUER: With respect to the first Question, I am sorry to say that no further portion of the sum of £66,000, due from the Porte to the British and French Governments in respect of the loan, has been received by Her Majesty's Government either from the Porte or from the Khedive. With regard to the latter Questions of the right hon. Member, I am not in a position to answer them at present. They are still under discussion.

MR. DODSON: I should like to follow up the Question asked by another. I should like to know, Whether the Government are entitled to deduct from the surplus revenue of Cyprus to be paid to the Porte any of the money which the Porte has in default failed to pay this country?

THE CHANCELLOR OF THE EXCHEQUER: That is, of course, a question connected with the negotiations and discussions now going forward.

MR. MONK: May I ask if the French Government have paid their share?

THE CHANCELLOR OF THE EXCHEQUER: Yes.

CYPRUS—THE NEW COINAGE.

QUESTION.

MR. THOMSON HANKEY asked Mr. Chancellor of the Exchequer, Under what authority a coinage of bronze piastres, bearing the effigy of Her Majesty on one side with the words "Victoria Queen," and on the other the word "Cyprus," has been issued from the Royal Mint, as stated in the last Mint Report, page 11; and, whether such an issue is consistent with the rights of Sovereignty generally understood to have been reserved to the Sultan?

THE CHANCELLOR OF THE EXCHEQUER: The coinage to which the hon. Member refers was issued by command of Her Majesty on my recommendation as the Master of the Mint. With regard to the second Question, I do not conceive that there is anything inconsistent with the rights of Sovereignty over Cyprus reserved to the Sultan in issuing from the Mint a coinage for circulation in Cyprus, in which the coinage of many nations is already in circulation.

CYPRUS—REVENUE AND EXPENDITURE ACCOUNTS.—QUESTION.

MR. DODSON asked the Under Secretary of State for Foreign Affairs,

Whether he can state when he will be prepared to lay before the House Accounts or Estimates of the Revenue and Expenditure of Cyprus under British Administration?

MR. BOURKE: It is our intention to present the Estimates and Accounts as soon as possible; but I cannot say just now when they will be completed.

LAW OF COPYRIGHT—LEGISLATION.

QUESTION.

MR. HANBURY TRACY asked the Postmaster General, If it is still the intention of the Government to introduce a Bill to deal with the Law of Copyright; and, if so, if he can state when he will be prepared to submit it to the House?

LORD JOHN MANNERS, in reply, said, he hoped to be able during the Session to bring in a Bill on the subject of the Law of Copyright, not with any hope of passing it; but in order that it might be circulated in the Colonies, which would be affected by any change.

NAVY—PENSIONS OF SERGEANTS OF ROYAL MARINES.—QUESTION.

MR. KNATCHBULL-HUGESSEN asked the First Lord of the Admiralty, Whether it is a fact that, whilst the pension of a sergeant-major in the Army is 3*s.* per diem, and that of a staff or other sergeants 2*s.* 6*d.* per diem, the pension of a sergeant-major in the Royal Marines is only 2*s.* 6*d.* and that of other sergeants 2*s.* 3*d.* per diem; whether a similar difference exists in the relative pay of other officers; and, whether there is any valid reason for the existence of such an inequality; and, if not, whether Her Majesty's Government will take steps to remove that which appears to be an invidious distinction between different branches of the Service?

MR. W. H. SMITH: The difference, which is owing to the improvement recently effected in the Army pensions, between the pensions of sergeant majors of the Marines and of the Army and of other sergeants in the Marines and of the Army is correctly stated by the right hon. Member. There is a difference between the pay of the non-commissioned officers of the Army and the Marines; but I am not prepared to admit that the effect of the conditions under which the

Marines serve as compared with those of the Army is, on the whole, unfavourable to the Marines. I will consider with my Colleagues whether any improvement can be made in the rate of pension.

**ARMY—COMPULSORY RETIREMENT—
THE ROYAL WARRANT OF MAY, 1878.**

QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If it is true that in several cases where, since the promulgation of the Royal Warrant of May 1878, vacancies by death or compulsory retirement at seventy years of age have occurred in the establishment of general officers, majors have not received the promotion to which they are entitled under paragraph 21 f of the Warrant; whether there is any provision in the Warrant rendering it necessary, in order to give the senior major in the Army the right to the brevet rank of lieutenant colonel under the said paragraph, that such vacancy on the establishment of general officers should be filled up; and, if no such provision exists, whether the refusal to senior majors of promotion on the occurrence of such vacancies in the establishment of general officers is not a violation of paragraph 21 f of the Royal Warrant?

COLONEL STANLEY: I do not think there has been any violation of the Royal Warrant. If any name or any personal references be given to me, I shall be able to trace these cases, and possibly be enabled to answer the Question generally. However, I may say this much—that the death or retirement of an officer holding a rank in which there are supernumeraries does not ever create a vacancy.

**POST OFFICE — SOLDIERS LETTERS
FROM SOUTH AFRICA.—QUESTION.**

MR. OLIVER WALKER asked the Postmaster General, If it is true that double postage is charged upon unpaid letters arriving from soldiers serving in South Africa; and, if this is the case, whether he will consider the propriety of remitting the double postage, seeing the difficulty of obtaining stamps at the seat of war?

LORD JOHN MANNERS: Since April last it has been the practice to charge only the ordinary prepaid

rates of postage upon letters from officers, soldiers, and seamen serving in South Africa, which reach this country unpaid. If any letters are accidentally charged with double postage, owing to its not being known that they are sent by soldiers, the surcharge is always remitted on application.

GENERAL SHUTE: Will that apply to the letters of officers?

LORD JOHN MANNERS: Yes; of course.

**SOUTH AFRICA—THE ZULU WAR—
ALLEGED CRUELTY OF THE BRITISH
TROOPS.—QUESTION.**

MR. O'DONNELL asked the Secretary of State for the Colonies, Whether his attention has been directed to the South African Correspondence of the "Daily Chronicle" of the 3rd instant, in which it is stated that after the Battle of Kambula the defeated Zulus, exhausted with fatigue, fell in hundreds upon the ground, begging for mercy from their pursuers "but were shot, stabbed, or sabred where they lay," and that even though some of them had smeared themselves with blood in order to appear to be wounded and appealed for quarter, they were mercilessly put to death; whether he has seen an extract from the letter of a soldier engaged in the same fight at Kambula, published in the "Tiverton Gazette" of May the 27th, and copied in the "Echo" of the 3rd instant, in which it is avowed that—

"On March the 30th, the day after the battle, about eight miles from camp, we found about five hundred wounded, most of them mortally, and begging us for mercy's sake not to kill them; but they got no chance after what they had done to our comrades at Isandula;"

and, whether operations in South Africa are being conducted by the British troops according to the usages of civilisation?

SIR MICHAEL HICKS-BEACH: Sir, the hon. Member evidently seems to expect that I should make myself acquainted with everything that appears in the newspapers on this subject. I make no complaint of that view; but I think we may take it for granted that he complies with that rule himself. Therefore, he must have seen in Wednesday's *Times* a letter from the War Office, in which it was stated, on behalf of my right hon. and gallant Friend the Secretary of State for War, that the General

Mr. W. H. Smith

Officer commanding Her Majesty's Forces in Natal has been called on to inquire into these allegations, and report whether there is any truth in them. If the hon. Member saw that letter, I cannot tell what object he has in asking this Question. I should not have thought that any Member of this House would have been willing, without necessity, to give pain to men who are serving Her Majesty on the other side of the world by giving to unsupported statements of this kind the stamp of importance, if not of credibility, that they derive from being made the subject of a Question in Parliament; much less that anyone would have based upon such a foundation as this an insinuation that his own countrymen do not conduct war according to the usages of civilization.

MR. O'DONNELL: Mr. Speaker, in order to put myself quite in Order in the remarks I have to make, I shall conclude with a Motion. The right hon. Gentleman asks why—assuming that I had seen the reply of the War Office to some representations made to them by the Aborigines Protection Society—I put the Question to him? Although the interrogatories of the right hon. Baronet were not put in the most courteous form, or with the most careful regard for the independent rights of Members of this House, I will beg to answer them; and I hope he will consider himself perfectly satisfied by the time I have sat down. The reply to the Aborigines Protection Society seemed to me to be excessively inadequate—considering the circumstances of the case, considering the wrong committed, and the undoubted perpetration of atrocities in South Africa. I, therefore, asked this Question; and I hoped to receive an answer from the Colonial Secretary very different from the evasive and unsatisfactory answers he is in the habit of giving. ["Oh, oh!"] I do not make this a charge against the right hon. Baronet. I am disposed only to regard him in those matters relating to his Office as the channel of information in this House; but I regret to say that he is habitually the channel of most adulterated and misleading information. ["Oh, oh!"] Hon. Members have heard the manner in which I have been treated just now by the right hon. Gentleman. If a Member gets up and asks the right hon. Baronet a Question—for instance,

whether Native women and children in South Africa are captured and indentured out into practical slavery—we receive the answer that no women or children in South Africa are treated in this way, or at all approaching it, except those who are deserted. I beg to ask the Chancellor of the Exchequer to inform the House, in regard to the word "deserted," whether it is not an evasion perpetrated on the innocence of the right hon. Baronet, most unworthy of the traditions of the Public Service of the country? The alleged desertion—and I, and other Members on this side of the House, can prove it—is the desertion occasioned by driving off the male members of the tribe by bullet and bayonet. When the male members of the tribe are captured they are condemned to hard labour and penal servitude, and the Native women and children are then said to be deserted. It is for this House to judge whether that is a correct representation of the state of affairs. Not only have these poor women and children not been deserted by their natural supporters, but they have been deprived of them by the violence of Her Majesty's Administrator in South Africa. Again, Sir, if an hon. Member asks the right hon. Baronet the Secretary of State for the Colonies if it is true that prisoners of war, the tribesmen of Native Chiefs in South Africa, have, contrary to all the usages of civilization, been condemned to hard labour and penal servitude, the right hon. Baronet stands up in his place, and again—acting, no doubt, upon information which he has received—assures this House that no prisoners of war have been treated in any such manner. Sir, again, I am sorry to say, an evasion has been practised of the most culpable kind. These unfortunate tribesmen throughout South Africa are not, technically considered, prisoners of war; they have been tried for treason-felony, and under treason statutes, and are considered rebels and insurgents. I leave it to this House to say whether these tribesmen—ignorant, devoted to their Chiefs—who have followed those Chiefs into war against Her Majesty's Government, are not properly prisoners of war; and whether it is not unworthy even to speak of them as rebels punishable according to the ordinary law of the land? I have this year, and in previous years, asked Question upon Ques-

tion of the right hon. Baronet the Secretary of State for the Colonies; and on every occasion, though I have never previously complained, I have had a right to complain of the uncourteous manner in which he replied. I repudiate with scorn and contempt any insinuation that I am not as careful of the honour of that Army—of which my countrymen form so distinguished a part—as any Member, I care not what his nationality may be, in this Empire. But I have duties to discharge to my conscience, to my Colleagues, to my constituents. Let the right hon. Baronet venture to disprove a single allegation that is made; but let him not presume to reply with unworthy taunts to a Member of this House who is acting in the discharge of his duty. I beg to move that this House do now adjourn.

MR. BIGGAR seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—
(*Mr. O'Donnell.*)

THE CHANCELLOR OF THE EXCHEQUER: I must again, Sir, enter my protest against this repetition of a practice which I ventured yesterday, or the day before, to say must, if persisted in, prove utterly destructive to the possibility of conducting Business regularly; and with a view to the convenience of the House, I think it unnecessary to take any special notice of the extraordinary language which the hon. Gentleman has chosen to indulge in. It is language approaching—though I do not say that it goes beyond an approach—to a very serious breach of the usual language of Parliament. I am quite sure that I speak the sentiments of my right hon. Friend the Secretary of State for the Colonies, as well as my own and those of my Colleagues, in saying that we think very little of language such as that employed by the hon. Gentleman. I think that when the hon. Member talks of evasion, he is using language which my right hon. Friend may very well think it beneath him to take any notice of. I rise mainly for the purpose of again entering my protest against the introduction and the adoption by the House of a system of moving the adjournment of the House, in order to introduce matters for discussion that are not at all relevant to the Business before the House.

Mr. O'Donnell

MR. SULLIVAN: This heat is very much to be regretted; and I am astonished at the Chancellor of the Exchequer apparently forgetting who introduced it. Although loyalty to a Colleague is praiseworthy, there is a higher duty due from him. He is the Leader of this House, and ought to be the protector of the privileges of an independent Member; and if he found a Colleague, under momentary irritation, converting a reply to a Question into a harangue and an impeachment of a Member, then I say that the Leader of the House should have risen above the feelings of the Minister towards his Colleague. I must say I heard with astonishment—I will not say with astonishment, but with great pain—the tone and character of the reply of the Colonial Secretary. I correct myself in saying with astonishment, because, after all, we are all human. Still, official life does impose some restriction upon one's feelings; and, whatever the right hon. Baronet's irritation might have been, he was bound to consider that he was Her Majesty's public official, and that he filled a highly responsible position in this House, where gravity ought to characterize his language. Instead of replying in an official tone to a fair and legitimate Question, he introduced, not only matter of argument, but matter of invective; and what was his invective? It was an accusation that the hon. Member for Dungarvan had abused his position in this House. ["Hear, hear!"] Is there one man amongst those who are ready to say "Hear, hear!" who will have the courage to put his name to a Motion on the Paper that the hon. Member has abused his position? Let us watch the Notice Paper to see. If he has abused it, he is amenable to the Rules of the House. I regret this waste of time. Mark how, in the middle of June, when we ought to be proceeding with our Business, a Minister of the Crown, backed up by a loudly-cheering majority, wastes three-quarters of an hour of our time by getting up to lead us into a heated debate, instead of giving a courteous and proper answer to a fair Question. I will not go into other instances of this kind; but I charge upon Members of the Government this waste of public time. Let us hope that we shall have no more of these impeachments. I, for one, also

complain of the language of the Colonial Secretary. He talked about our countrymen, and made imputations upon our countrymen in South Africa. He forgets, being a Colonial Secretary, that the paper which published the account was English. It was not an Irish newspaper, but *The Tiverton Gazette*, and the extract was copied into the London *Echo*, and the soldier who wrote that letter was an English soldier, you may be sure. ["No, no!"] Oh! there are a few English soldiers out in South Africa; although, when you wanted a man to lead them, you went to Ireland and found Sir Garnet Wolseley. This English soldier wrote as follows:—

"We found the day after the battle 500 wounded, most of them mortally, and begging us for mercy's sake not to kill them."

That is not a statement of the hon. Member for Dungarvan; it is not a statement of an Irish witness. It is a statement published by an English newspaper—

"Begging us for mercy's sake not to kill them; but they got no chance after what they had done to our comrades at Isandana."

["Divide, divide!"] Not so, Mr. Speaker. I am going to be heard. If anyone in this House sees a statement so serious as that, affecting the honour of your Army—[An hon. MEMBER: Prove it.] An hon. Member asks me to prove it. Take the statement out of an irresponsible public paper, bring it to the House, and then let the Minister give it a contradiction. If it is a slander—as I hope it may prove to be for the sake of our common humanity—let it be so branded; but the man who feels it his duty to call attention to it must not be received as my hon. Friend has been received; he must not be taunted and held up to scorn, and the Minister who does so cheered by Gentlemen sitting behind him. I do not wish to complain too much; but I beg to remind hon. Gentlemen opposite that we, too, have our feelings who sit on this side of the House: and we cannot see without protest an hon. Friend and Member treated—as we believe the hon. Member for Dungarvan has been treated—in such an unhandsome manner. I repeat my regret that this heated debate should have been provoked from the Treasury Bench, and I hope we shall be allowed to proceed with our Business.

Mr. NEWDEGATE remarked, that it was the deliberate opinion of the Select Committee on Public Business, over which the late Sir James Graham presided in 1861, that the present fashion of putting Questions might be made the vehicle for conveying imputations, the necessary reply to which would entail the frequent interruption of the Business of the House. It was in order to avoid such exhibitions as the House had now been made the scene of, that the arrangement was come to, that on going into Supply on Friday any subject might be raised which might be deemed worth the attention of the House. No abler Committee had ever been appointed than the Committee which framed that recommendation in order to avoid such scenes as had now occurred. For what had happened? A Member of the House had chosen, on the authority of a newspaper—or, it might be, two newspapers—to frame a Question in such terms as conveyed the grossest imputation upon our Army. When, in answer to that Question, the hon. Member was informed by the Secretary of State for the Colonies that if he had only consulted a newspaper, much more likely to attract public attention than those he had quoted, he might have known that inquiries were being instituted, and that it was impossible at present that his inquiries could be satisfactorily answered, the hon. Member treated that reply as an imputation—and he (Mr. Newdegate) thought the imputation well deserved; and then the hon. Member interrupted the Business of the House in order to make a vindication of his action, in which he had totally failed.

Mr. W. E. FORSTER: I hope that we shall be allowed very speedily to proceed to Business. I do not quite accept the rules for the conduct of our Business of my hon. Friend opposite (Mr. Newdegate). I think you, Sir, must be the judge whether a Question is in accordance with Order or not, and I must leave it to you to make that decision. Now, with regard to this Question, if it had stopped before the very last clause, I think the Government and the Colonial Secretary ought to have been glad that it was asked. These are two statements which are very distressing to anyone to read. The Government have done their duty in writing to be informed whether these and similar

statements are true, thereby showing *prind facie* their disapproval; but I think it would have been rather a kindness to the Government, and rather a credit to the country, that the Colonial Secretary, or some other Member of the Government, should have been enabled by a Question to state officially that such a step had been taken. I think, however, that the hon. Gentleman went too far in his closing sentence. He seems by that to prejudice the case, which we all trust may turn out to be quite different to what he represented it. But when we come to the rebuke of the Chancellor of the Exchequer to the hon. Gentleman for moving the adjournment of the House, I share the opinion of the Chancellor of the Exchequer that these Motions for adjournment are exceedingly inconvenient; but I confess that in this particular case the Colonial Secretary ought almost to have anticipated the Motion. The way in which he answered the Question may or may not have been a just one, but he gave a strong rebuke to the hon. Member for the mode in which he asked it; and I think it is not unnatural to expect, that if a Member of the Government strongly rebukes in his reply to a Question a Member of this House for the form in which he has asked it, it is not unreasonable to expect that that Gentleman should get up and reply. I do hope that now we shall be allowed to proceed to Business.

SIR MICHAEL HICKS-BEACH: I will only detain the House while I say one or two sentences in my own justification. Nothing that the hon. Member for Dungarvan can say in this House will provoke me to warmth on my own account; but I did feel, and I do feel, very deeply, the imputation which he appeared to me to cast upon men who were absent, and whom it seemed to be my duty to defend. I think that, at all events, I was so far justified, even upon the hon. Member's own showing; for by his reference to the Aborigines Protection Society it is clear that he had seen the letter to which I alluded. But, Sir, in moving the adjournment of the House the hon. Member went on to charge me—in language which I can well afford to pass by, I hope—with having answered former Questions in a way which he did not approve. He said that I had denied the existence of the practice of indenturing of women and

children, or had explained it away in a manner which he considered evasive. But, Sir, I told the hon. Member, in my reply to that Question, that every information which I had received, or should receive, with reference to this practice of indenture—which I knew to be liable to abuse—had been, or should be, given to the House; and I told him also that I had made further inquiry as to what had actually happened in the matter. The hon. Member went on to say that I denied altogether that any persons who had been taken prisoners in the rebellion, or war in the Transkei, had been treated as convicts, and sent to penal servitude. My reply to the hon. Member—I recollect the exact words—was that I was not aware that anything of the kind had occurred; but there, again, I said I would make inquiries, and such inquiries have already been made, and the result, as soon as I receive it, shall be communicated to the House.

SIR WILLIAM FRASER wished humbly to suggest that the Motion made by the hon. Member for Dungarvan should not be allowed to be withdrawn, but should be met with a negative, and it would be then for the hon. Member to say whether he would test the opinion of the House on his conduct this afternoon.

MR. PARNELL: Repeatedly, Questions have been put to Ministers without the effect of eliciting any information whatever. All kinds of excuse are made. At one time the absence of telegraphic communication; at another time the highest State reasons are urged to deprive the House of any information. Now, Sir, when this Vote for the expenses of the Zulu War was brought before the House, I ventured to anticipate that a policy of extermination would be adopted in South Africa. I said I presumed that, as the Zulus had given no quarter at Isandlana, so no quarter would be given by the British troops to the Zulus in South Africa; but I was at once contradicted by several hon. Members behind the front Opposition Bench, who said that the utmost pains would be taken to secure that the operations of the troops should be continued in accordance with the usages of civilization, and that the conduct of the Zulus at Isandlana should not be imitated. I entered my protest against the war as the first Vote for Supply for the war—

MR. SPEAKER: If the hon. Member for Meath is referring to discussions which have arisen during this Session, he is not in Order.

MR. PARNELL: On several occasions, not in this House, I have felt it my duty to point out that, in all probability, the example of the Zulus at Isandlana would be imitated by Her Majesty's troops in South Africa; and I think the course of events has very fully justified my anticipations, and shown that, at all events, caution and forethought to avoid such occurrences was necessary on the part of Her Majesty's Government. But what have Her Majesty's Government done? We know that the Native auxiliaries are employed to aid the troops in South Africa. We know that those Native auxiliaries are not trained in the usages of war; and we have it on the authority of the different reports received that after the recent action at Ginghilova these Native auxiliaries did massacre these wounded Zulus in cold blood—and that these men were employed, not for the purpose of fighting or defending the trenches, but for the purpose of chasing and hounding down the Zulus after the battles. The Cavalry followed. ["Divide, divide!"] If hon. Gentlemen opposite do not consider that their good name and the good name of English soldiers in South Africa is worth anything, I consider that the suffering of these unfortunate Zulus is worth far more than all the trumpery Bills that have been introduced by Her Majesty's Government this Session. ["Divide!"] I shall not be deterred from pursuing the subject by any desire to proceed with the discussion of Government measures, which are entirely worthless in their character. Have we heard from the Secretary of State for the Colonies that he has taken any pains to prevent the recurrence of these things? And this is the example which is to be set to our troops! They pursue the flying enemy and massacre the wounded! Naturally, the young soldiers of England think they may do likewise, and they gratify their thirst for blood by following the example set by the Native troops. The conduct of the Chancellor of the Exchequer, in particular, in endeavouring to thrust aside the matter at issue and attaching a charge of abusing the Forms of the House to the hon.

Member for Dungarvan, is very significant. If the Chancellor of the Exchequer were of opinion that the action of the troops in South Africa had been carried on according to the dictates of humanity, he would not have acted in any such manner; he would not have turned on the hon. Member for Dungarvan and attacked him in the manner he did for acting in a way which was perfectly in accordance with the Rules of this House, and which it was perfectly competent for him to adopt. When you make a war against a savage nation, it follows that your soldiers will also become more or less savage; and when they see their own countrymen massacred, it is almost impossible to restrain them; and, therefore, Her Majesty's Government should be careful not to enter into a war with a savage people unless compelled by the most urgent necessity to do so.

MR. O'DONNELL: Unless it is the wish of hon. Members, I have no desire to continue this discussion; but I think it is due both to the right hon. Baronet and myself that I should make this explanation. I beg to impress on the right hon. Baronet, that even if I had felt irritated by the manner in which he attacked me, I should have endeavoured to avoid any personal feeling. I distinctly declined to go further than to say that he was only the channel for evasion and imperfect information. As for his personal remarks, and for his supreme disdain for anything that a person like myself can say to him, that, Sir, is a piece of cheap scorn not to be imitated, I hope, by any Irish Member. I beg to ask the leave of the House to withdraw the Motion.

Motion, by leave, *withdrawn*.

CRIMINAL LAW—CIRCULATION OF DISGUSTING LITERATURE.

QUESTION.

MR. O'DONNELL asked the Secretary of State for the Home Department, Whether any measures can be taken to suppress the hawking of disgusting and vicious literature, which has recently increased to such an extent in most frequented thoroughfares of London?

MR. ASSHETON CROSS, in reply, said, there was no doubt that there had been a considerable distribution of these

tion of the right hon. Baronet the Secretary of State for the Colonies; and on every occasion, though I have never previously complained, I have had a right to complain of the uncourteous manner in which he replied. I repudiate with scorn and contempt any insinuation that I am not as careful of the honour of that Army—of which my countrymen form so distinguished a part—as any Member, I care not what his nationality may be, in this Empire. But I have duties to discharge to my conscience, to my Colleagues, to my constituents. Let the right hon. Baronet venture to disprove a single allegation that is made; but let him not presume to reply with unworthy taunts to a Member of this House who is acting in the discharge of his duty. I beg to move that this House do now adjourn.

MR. BIGGAR seconded the Motion.

Motion made, and Question proposed, "That this House do now adjourn."—
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THE CHANCELLOR OF THE EXCHEQUER: I must again, Sir, enter my protest against this repetition of a practice which I ventured yesterday, or the day before, to say must, if persisted in, prove utterly destructive to the possibility of conducting Business regularly; and with a view to the convenience of the House, I think it unnecessary to take any special notice of the extraordinary language which the hon. Gentleman has chosen to indulge in. It is language approaching—though I do not say that it goes beyond an approach—to a very serious breach of the usual language of Parliament. I am quite sure that I speak the sentiments of my right hon. Friend the Secretary of State for the Colonies, as well as my own and those of my Colleagues, in saying that we think very little of language such as that employed by the hon. Gentleman. I think that when the hon. Member talks of evasion, he is using language which my right hon. Friend may very well think it beneath him to take any notice of. I rise mainly for the purpose of again entering my protest against the introduction and the adoption by the House of a system of moving the adjournment of the House, in order to introduce matters for discussion that are not at all relevant to the Business before the House.

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MR. SULLIVAN: This heat is very much to be regretted; and I am astonished at the Chancellor of the Exchequer apparently forgetting who introduced it. Although loyalty to a Colleague is praiseworthy, there is a higher duty due from him. He is the Leader of this House, and ought to be the protector of the privileges of an independent Member; and if he found a Colleague, under momentary irritation, converting a reply to a Question into a harangue and an impeachment of a Member, then I say that the Leader of the House should have risen above the feelings of the Minister towards his Colleague. I must say I heard with astonishment—I will not say with astonishment, but with great pain—the tone and character of the reply of the Colonial Secretary. I correct myself in saying with astonishment, because, after all, we are all human. Still, official life does impose some restriction upon one's feelings; and whatever the right hon. Baronet's irritation might have been, he was bound to consider that he was Her Majesty's public officer, and that he filled a highly responsible position in this House, where gravity ought to characterize his language. Instead of replying in an official tone to a legitimate Question, he introduced not only matter of argument, but matter of invective; and what was his invective? It was an accusation that the hon. Member for Dungarvan had abused his position in this House. ["Hear, hear! Is there one man amongst those who are ready to say "Hear, hear!" who have the courage to put his name to Motion on the Paper that the hon. Member has abused his position?"] Let us watch the Notice Paper to see. If he has abused it, he is amenable to the Rules of the House. I regret a waste of time. Mark how, in the middle of June, when we ought to be proceeding with our Business, a Member of the Crown, backed up by a large cheering majority, wastes three-quarters of an hour of our time by getting us to lead us into a heated debate, instead of giving a courteous and proper answer to a fair Question. I will not go into other instances of this kind; but I charge upon Members of the Government this waste of public time. Let us hope that we shall have no more of these impeachments. I, for one, also

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MR. NEWDEGATE remarked, that it was the deliberate opinion of the Select Committee on Public Business, over which the late Sir James Graham presided in 1861, that the present fashion of putting Questions might be made the vehicle for conveying imputations, the necessary reply to which would entail the frequent interruption of the Business of the House. It was in order to avoid such exhibitions as the House had now been made the scene of, that the arrangement was come to, that on going into Supply on Friday any subject might be raised which might be deemed worth the attention of the House. No abler Committee had ever been appointed than the Committee which framed that recommendation in order to avoid such scenes as had now occurred. For what had happened? A Member of the House had chosen, on the authority of a newspaper—or, it might be, two newspapers—to frame a Question in such terms as conveyed the grossest imputation upon our Army. When, in answer to that Question, the hon. Member was informed by the Secretary of State for the Colonies that if he had only consulted a newspaper, much more likely to attract public attention than those he had quoted, he might have known that inquiries were being instituted, and that it was impossible at present that his inquiries could be satisfactorily answered, the hon. Member treated that reply as an imputation—and he (Mr. Newdegate) thought the imputation well deserved; and then the hon. Member interrupted the Business of the House in order to make a vindication of his action, in which he had totally failed.

MR. W. E. FORSTER: I hope that we shall be allowed very speedily to proceed to Business. I do not quite accept the rules for the conduct of our Business of my hon. Friend opposite (Mr. Newdegate). I think you, Sir, must be the judge whether a Question is in accordance with Order or not, and I must leave it to you to make that decision. Now, with regard to this Question, if it had stopped before the very last clause, I think the Government and the Colonial Secretary ought to have been glad that it was asked. These are two statements which are very distressing to anyone to read. The Government have done their duty in writing to be informed whether these and similar

statements are true, thereby showing *prima facie* their disapproval; but I think it would have been rather a kindness to the Government, and rather a credit to the country, that the Colonial Secretary, or some other Member of the Government, should have been enabled by a Question to state officially that such a step had been taken. I think, however, that the hon. Gentleman went too far in his closing sentence. He seems by that to prejudice the case, which we all trust may turn out to be quite different to what he represented it. But when we come to the rebuke of the Chancellor of the Exchequer to the hon. Gentleman for moving the adjournment of the House, I share the opinion of the Chancellor of the Exchequer that these Motions for adjournment are exceedingly inconvenient; but I confess that in this particular case the Colonial Secretary ought almost to have anticipated the Motion. The way in which he answered the Question may or may not have been a just one, but he gave a strong rebuke to the hon. Member for the mode in which he asked it; and I think it is not unnatural to expect, that if a Member of the Government strongly rebukes in his reply to a Question a Member of this House for the form in which he has asked it, it is not unreasonable to expect that that Gentleman should get up and reply. I do hope that now we shall be allowed to proceed to Business.

SIR MICHAEL HICKS-BEACH: I will only detain the House while I say one or two sentences in my own justification. Nothing that the hon. Member for Dungarvan can say in this House will provoke me to warmth on my own account; but I did feel, and I do feel, very deeply, the imputation which he appeared to me to cast upon men who were absent, and whom it seemed to be my duty to defend. I think that, at all events, I was so far justified, even upon the hon. Member's own showing; for by his reference to the Aborigines Protection Society it is clear that he had seen the letter to which I alluded. But, Sir, in moving the adjournment of the House the hon. Member went on to charge me—in language which I can well afford to pass by, I hope—with having answered former Questions in a way which he did not approve. He said that I had denied the existence of the practice of indenturing of women and

children, or had explained it away in a manner which he considered evasive. But, Sir, I told the hon. Member, in my reply to that Question, that every information which I had received, or should receive, with reference to this practice of indenture—which I knew to be liable to abuse—had been, or should be, given to the House; and I told him also that I had made further inquiry as to what had actually happened in the matter. The hon. Member went on to say that I denied altogether that any persons who had been taken prisoners in the rebellion, or war in the Transkei, had been treated as convicts, and sent to penal servitude. My reply to the hon. Member—I recollect the exact words—was that I was not aware that anything of the kind had occurred; but there, again, I said I would make inquiries, and such inquiries have already been made, and the result, as soon as I receive it, shall be communicated to the House.

SIR WILLIAM FRASER wished humbly to suggest that the Motion made by the hon. Member for Dungarvan should not be allowed to be withdrawn, but should be met with a negative, and it would be then for the hon. Member to say whether he would test the opinion of the House on his conduct this afternoon.

MR. PARNELL: Repeatedly, Questions have been put to Ministers without the effect of eliciting any information whatever. All kinds of excuse are made. At one time the absence of telegraphic communication; at another time the highest State reasons are urged to deprive the House of any information. Now, Sir, when this Vote for the expenses of the Zulu War was brought before the House, I ventured to anticipate that a policy of extermination would be adopted in South Africa. I said I presumed that, as the Zulus had given no quarter at Isandlana, so no quarter would be given by the British troops to the Zulus in South Africa; but I was at once contradicted by several hon. Members behind the front Opposition Bench, who said that the utmost pains would be taken to secure that the operations of the troops should be continued in accordance with the usages of civilization, and that the conduct of the Zulus at Isandlana should not be imitated. I entered my protest against the war as the first Vote for Supply for the war—

Mr. SPEAKER: If the hon. Member for Meath is referring to discussions which have arisen during this Session, he is not in Order.

Mr. PARNELL: On several occasions, not in this House, I have felt it my duty to point out that, in all probability, the example of the Zulus at Isandlana would be imitated by Her Majesty's troops in South Africa; and I think the course of events has very fully justified my anticipations, and shown that, at all events, caution and forethought to avoid such occurrences was necessary on the part of Her Majesty's Government. But what have Her Majesty's Government done? We know that the Native auxiliaries are employed to aid the troops in South Africa. We know that those Native auxiliaries are not trained in the usages of war; and we have it on the authority of the different reports received that after the recent action at Ginghilova these Native auxiliaries did massacre these wounded Zulus in cold blood—and that these men were employed, not for the purpose of fighting or defending the trenches, but for the purpose of chasing and hounding down the Zulus after the battles. The Cavalry followed. ["Divide, divide!"] If hon. Gentlemen opposite do not consider that their good name and the good name of English soldiers in South Africa is worth anything, I consider that the suffering of these unfortunate Zulus is worth far more than all the trumpery Bills that have been introduced by Her Majesty's Government this Session. ["Divide!"] I shall not be deterred from pursuing the subject by any desire to proceed with the discussion of Government measures, which are entirely worthless in their character. Have we heard from the Secretary of State for the Colonies that he has taken any pains to prevent the recurrence of these things? And this is the example which is to be set to our troops! They pursue the flying enemy and massacre the wounded! Naturally, the young soldiers of England think they may do likewise, and they gratify their thirst for blood by following the example set by the Native troops. The conduct of the Chancellor of the Exchequer, in particular, in endeavouring to thrust aside the matter at issue and attaching a charge of abusing the Forms of the House to the hon.

Member for Dungarvan, is very significant. If the Chancellor of the Exchequer were of opinion that the action of the troops in South Africa had been carried on according to the dictates of humanity, he would not have acted in any such manner; he would not have turned on the hon. Member for Dungarvan and attacked him in the manner he did for acting in a way which was perfectly in accordance with the Rules of this House, and which it was perfectly competent for him to adopt. When you make a war against a savage nation, it follows that your soldiers will also become more or less savage; and when they see their own countrymen massacred, it is almost impossible to restrain them; and, therefore, Her Majesty's Government should be careful not to enter into a war with a savage people unless compelled by the most urgent necessity to do so.

Mr. O'DONNELL: Unless it is the wish of hon. Members, I have no desire to continue this discussion; but I think it is due both to the right hon. Baronet and myself that I should make this explanation. I beg to impress on the right hon. Baronet, that even if I had felt irritated by the manner in which he attacked me, I should have endeavoured to avoid any personal feeling. I distinctly declined to go further than to say that he was only the channel for evasion and imperfect information. As for his personal remarks, and for his supreme disdain for anything that a person like myself can say to him, that, Sir, is a piece of cheap scorn not to be imitated, I hope, by any Irish Member. I beg to ask the leave of the House to withdraw the Motion.

Motion, by leave, *withdrawn*.

CRIMINAL LAW—CIRCULATION OF DISGUSTING LITERATURE.

QUESTION.

Mr. O'DONNELL asked the Secretary of State for the Home Department. Whether any measures can be taken to suppress the hawking of disgusting and vicious literature, which has recently increased to such an extent in most frequented thoroughfares of London?

Mr. ASSHETON CROSS, in reply, said, there was no doubt that there had been a considerable distribution of these

papers, and he should be extremely glad to see them stopped. The attention of the police had been directed to the matter; but the legal adviser of the police informed him that the papers which had been forwarded to him by the hon. Member for Dungarvan were not such as to bring them within their powers so as to prevent the circulation. At the same time, the police would do all they could to stop the circulation of these papers. He would remind hon. Members, however, although they might wish to stop what was wrong, that literature of the kind complained of very often died a natural death, unless by certain prosecutions it had been made notorious.

CRIMINAL CODE (INDICTABLE OFFENCES) BILL—REPORT OF THE COMMISSIONERS.—QUESTION.

SIR HENRY JAMES asked Mr. Attorney General, When the Report of the Commissioners on the Criminal Code (Indictable Offences) Bill will be presented to Parliament; and, if the Government will allow a reasonable time for considering such Report before proceeding with that Bill?

THE ATTORNEY GENERAL (Sir JOHN HOLKER): The Report of the Commissioners on the Criminal Code (Indictable Offences) Bill is now ready, and will be placed in the hands of Members directly. No doubt, reasonable time will be allowed to Members to consider it before the Bill is proceeded with.

DEBTORS ACT (1869) AMENDMENT BILL.—QUESTION.

MR. M. T. BASS asked Mr. Attorney General, Whether the Debtors Act (1869) Amendment Bill will be proceeded with this Session; and, if so, whether the Government will propose, or accept, if proposed, the insertion of a Clause in such Bill abolishing imprisonment for debt?

THE ATTORNEY GENERAL (Sir JOHN HOLKER): The question of whether the Bill will be proceeded with this Session will depend on whether the Bankruptcy Law Amendment Bill can be passed through the House. At present, the prospect of making progress with these measures seems somewhat remote. I am not in a position to say whether the Government would consent

to repeal section 5 of the Debtors Act, 1869, which I presume is what is meant by the expression in the Question "abolishing imprisonment for debt." A proposition to repeal this section would, however, in my view, be well worthy of careful consideration; and, I have no doubt, would receive such consideration from the Government.

UNREFORMED MUNICIPAL CORPORATIONS—REPORT OF THE COMMISSION.—QUESTION.

MR. WHITWELL asked the Secretary of State for the Home Department, Whether the Report of the Commission for inquiring into Unreformed Municipal Corporations is likely soon to be laid upon the Table of the House?

MR. ASSHETON CROSS, in reply, said, the Report had unfortunately been delayed by the serious illness of the Chairman of the Commission (Mr. Stephen Cave). His right hon. Friend, however, had now returned to England, and, no doubt, the matter would be proceeded with.

POST OFFICE—MAIL CONTRACT WITH THE PENINSULAR AND ORIENTAL STEAM COMPANY.—QUESTION.

MR. J. HOLMS asked the Secretary to the Treasury, If he can inform the House when the Mail Contract with the Peninsular and Oriental Steam Company will be submitted to the consideration of the House?

SIR HENRY SELWIN-IBBETSON, in reply, said, he had been anxious to submit the Mail Contract in question to the consideration of the House; but, in the present state of Public Business, he could not undertake to say when he would be enabled to do so. Certainly, however, he would give, at least, three days' notice before taking the opinion of the House on the subject.

FRANCE—DEMONETISATION OF SILVER.—QUESTION.

MR. ERRINGTON asked the Under Secretary of State for Foreign Affairs, Whether there is any reason to apprehend that, as stated in the "Times" Paris Correspondence of June the 11th, that the French Government intend to follow up the partial demonetisation of

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silver in the Island of La Réunion, by demonetising it "on a vast scale" in France and other portions of the French dominions?

MR. BOURKE: We have heard nothing at all from the French Government on the subject.

SOUTH AFRICA—THE ZULU WAR—
SIR GARNET WOLSELEY'S INSTRUCTIONS.—QUESTION.

MR. PARNELL asked Mr. Chancellor of the Exchequer, Whether the Government will now communicate to the House the instructions given to Sir Garnet Wolseley?

THE CHANCELLOR OF THE EXCHEQUER: Her Majesty's Government do not consider that it would be expedient at the present moment to publish these instructions.

ARTIZANS' DWELLINGS ACT, 1868—
PRIVATE BURYING GROUNDS.

QUESTION.

MR. WADDY asked the Secretary of State for the Home Department, Whether his attention has been directed to the Report made by the Medical Officer of Health of Islington, on the 16th of March, 1877, and to the fact that a portion of the site of a burial-ground there is being covered with dwellings occupied by working men and their families under conditions that are dangerous to health; whether, as stated in a further Report on the 7th of June last, it is correct that the foundations are not deeper than one foot, that then the workmen came to bones and decomposed matter; that the houses near are rendered unsafe by the instability of the subsoil; that the houses have no proper and efficient drainage; and that the state of the ground is calculated to produce pestilence; and, whether, under these circumstances, the Home Secretary will do anything to prevent these houses being occupied?

MR. ASSHETON CROSS: It was my desire some time ago to make an order for closing the burial-ground in question, and for planting it, as in other places; but I found, on inquiry, that it was absolutely impossible for me to do so. The same proceeding was attempted by one of my Predecessors, Sir George Grey; but the Law Officers of the Crown advised him that he had no power to take such action. It is a pity that the

Vestry authorities did not indict the owner of the site of the burial-ground, or the builder, when they were proceeding with this work, if the facts of the case are as stated by the hon. and learned Member. and I do not cast the slightest imputation upon their accuracy. I have ordered a special Report to be made by the Inspector of Burial Grounds; and if I can take any action in the matter I shall do so. I cannot conceive anything more injurious or more scandalous.

PARLIAMENT — ARRANGEMENT OF
BUSINESS—MORNING SITTINGS.

QUESTIONS.

In reply to MR. FAWCETT,

THE CHANCELLOR OF THE EXCHEQUER said: I hope it may be found possible to proceed with the East India Loan (Consolidated Fund) Bill this evening; but, if not, I will make the best arrangement I can. It would, however, necessarily be some time before we could find a day for it.

MR. CHILDERS wished to know whether there would be a Morning Sitting to-morrow?

THE CHANCELLOR OF THE EXCHEQUER: It is not proposed to have a Morning Sitting to-morrow. I intend next week to ask for Morning Sittings both on Tuesdays and on Fridays. It is becoming of great importance that we should proceed with the Army Discipline and Regulation Bill, and therefore I propose on Monday to take Supply, probably the Army Estimates; and on Tuesday, Thursday, and again on Friday morning, we shall proceed with the Army Discipline and Regulation Bill. It is becoming essential, looking to the time when the other Act expires, that we should make progress with it.

MR. RYLANDS asked, Whether it was proposed to have Morning Sittings every Friday for the rest of the Session?

THE CHANCELLOR OF THE EXCHEQUER: I cannot answer the Question off-hand; but a great deal will depend upon the progress made with the Army Discipline and Regulation Bill.

MR. CHILDERS asked, Whether any Votes would be taken in Committee of Supply to-morrow?

THE CHANCELLOR OF THE EXCHEQUER: Supply will be put down on the Paper; but we do not propose to take any Votes. We shall proceed with

the Customs and Inland Revenue Bill, and any other Business there may be.

EAST INDIA REVENUE ACCOUNTS.

PETITIONS PRESENTED.

MR. JOHN BRIGHT: I have to present to the House a series of Petitions, signed entirely, I believe, by Natives of India. The Petitions are some six in number. One is from Native inhabitants of Ahmedabad, in the Presidency of Bombay; one is from the Punjab; one from the North-West Provinces and Oude; one from the Province of Assam; one from Central India; and one from the Province of Bengal. I am assured that the signatures amount in all to 10,000. The Petitions are alike in statement and in prayer. They bring before the House the fact that many promises have been made to the Natives of India that they should be accepted, not into the ordinary, but into the covenanted Service; and they say that these promises have been almost altogether unfulfilled. Without going into detail I will, with the permission of the House, conclude by reading the prayer. It is—

“That the maximum limit of age for admission to the open competition examination for the Civil Service of India be raised to 22 years”

—for reasons that are stated in the Petition. And, further, says the prayer—

“That the open competition examination for the Civil Service of India be held simultaneously with that in London, in some centre or centres in India where a definite proportion of appointments, such as may be determined upon by your honourable House, may be competed for year after year.”

The Petition gives strong, and I should say abundant, reasons for the fairness of the proposition which the Petitioners make to the House. I shall be glad to move, if I am in Order, that one of the Petitions be printed with the Votes.

MR. SPEAKER: According to the ordinary course, when a Petition is referred to the Select Committee on Petitions, it rests with them to determine whether it should be printed.

MR. GLADSTONE: I have to present a Petition, signed by British-born and Indian subjects residing in Calcutta and in the neighbourhood of Calcutta, similar to one presented by me some time ago from another quarter. This Peti-

tion relates in particular to the expenses of the Afghan War, and to the repeal of the duty on certain descriptions of cotton goods. The prayer is that the House will direct that India be relieved from any further share in the payment of the cost of the Afghan War; and that the House will also condemn the Order of the Government of India exempting certain cotton goods from payment of import duty. The Petition consists of very careful and, I think, able reasoning, or series of statements, in support of those propositions.

ORDERS OF THE DAY.

INDIA — EAST INDIA REVENUE ACCOUNTS—THE FINANCIAL STATEMENT.—COMMITTEE.

ADJOURNED DEBATE. [THIRD NIGHT.]

Order read, for resuming Adjourned Debate on Question [22nd May], “That Mr. Speaker do now leave the Chair” (for Committee upon East India Revenue Accounts).

Question again proposed.

Debate resumed.

MR. J. K. CROSS said, it might, perhaps, be convenient to the House to direct their attention to the point at which this debate had arrived when it was adjourned a fortnight ago; and he would do so, because it would be within the recollection of many hon. Gentlemen that they had not been present since the Under Secretary of State for India had made his very able Statement, and, therefore, they probably had not followed the course of the debate. Most of the speeches made had been addressed rather to general Indian questions than to protests against, or criticisms upon, the speech of the Under Secretary; indeed, with the exception of protests against the remission of the cotton duties by the hon. Members for Hackney (Mr. Fawcett), Plymouth (Mr. Sampson Lloyd), and Kirkcaldy (Sir George Campbell), and against the great reduction in Public Works expenditure by the hon. Members for Hackney and Kirkcaldy, there had been a somewhat dangerous agreement in favour of the Government proposals. Why his hon. Friend the Member for Kirkcaldy should, in denouncing the

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Government for their action on the cotton duties, have turned the battery of his indignation upon him (Mr. J. K. Cross) he could not conceive, unless it was that he happened to be the one Liberal Member present. Really, he assured him that he was not answerable for the Government's action in this matter, and he dared say that they would not care that he should say a word in their defence; but, really, his hon. Friends, who were so anxious that India should be lightly taxed, must be aware that those who would be the gainers by that remission were the poorest of the people in India; for it was they who bought the common goods, on which the duties were remitted; and he could not understand how they could be aggrieved by having the few square yards of common shirting on which their respectability somewhat depended at a lower price than formerly. Another point of great interest raised in the debate was the question of exchange, which the hon. Member for Plymouth would rectify by universal bi-metallism, and which his hon. Friend the Member for Stalybridge (Mr. Sidebottom) would remedy by a bi-metallic currency, failing which he thought the Loan Bill the next best way of rehabilitating silver—a monstrous long word, which meant, so far as India was concerned, screwing up the price of the rupee. The right hon. Gentleman the Member for the University of London (Mr. Lowe) would regenerate India by giving her a paper standard of value based upon an ideal redemption in gold—a redemption seemingly, at least, as ideal as anything that ever perplexed the brain of the most bewildered student of metaphysics, and which would require a fuller revelation than that vouchsafed by the right hon. Gentleman before they could accept it. So far as he understood his proposition, it seemed to be ably answered by the noble Lord the Vice President of the Council (Lord George Hamilton), who also clearly pointed out that the nominal loss on exchange greatly exceeded the real loss, which could not be estimated at more than £2,750,000 sterling. The Under Secretary of State had begun his eloquent and exceedingly able speech so pleasantly, that it was a long time before they discovered how grave was the statement he was making; but before he had finished, they had certainly come to the conclu-

sion that he had laid before the House by far the gravest official Statement as to Indian Finance that had been put before Parliament since the Government of India had been transferred from the Company to the Crown; and so great was the contrast between his speech and those which had so often been heard from his Predecessors, that they might be excused for believing either that on that occasion the hon. Gentleman had painted far too gloomy a financial landscape for their contemplation, or that his Predecessor had been in an equal degree too sanguine. But now, having that grave statement before them, they might accept it as an official notice that we were no longer to look upon Indian finance through the glamour of Eastern romance. We had dismissed fiction, and taken fact into our service. He would examine the teaching of fact respecting the Accounts of the year 1877-8. At paragraph 32 of the East India Finance Accounts for 1877-8 he found what was called the true result, which was as follows:—

“The whole true excess Expenditure of the year becomes £9,266,179, or, more correctly, 9,26,61,790 rupees, which is the measure of the increase of the Public Debt during the year.”

At paragraph 33, we have the following:—

“Of this large sum, £4,968,123 is due to the construction of Productive Public Works, in pursuance of the policy deliberately adopted. The Famine affected the Accounts of 1877-8 adversely by £6,500,000. If this Estimate is correct, it follows that, but for the Famine, the Revenue Accounts of 1877-8 would have shown a surplus of about £2,201,944. Provided that the works upon which the excluded £4,968,123 was spent could be trusted to be truly reproductive, this result might be regarded as very satisfactory.”

But at the foot of the page there appeared an explanatory paragraph, stating that the Public Works productive expenditure included £177,071 for loss of exchange. That could no more be reckoned as profit or invested capital, than a London merchant, having made a bad debt of £177,071, could add it to his stock at the end of the year as part of his capital. At paragraph 37, they had what was called the “final conclusion,” which ran thus—

“This, then, is the out-turn of the finances of 1877-8. If the Famine, costing £6,500,000, and the expenditure on productive Public Works, amounting to £4,968,123, be eliminated,

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there remains a surplus of £2,201,944. But for the measures to which reference has been made, this surplus would have been smaller by £461,276, or, in all, £1,740,668. On the other hand, it has to be remembered that a portion of the productive Public Works, costing £1,670,930, is expected (however useful the works may otherwise be) to yield, for a long time to come, only small interest."

Taking the "true result" and "final conclusion" together, they found that from the nominal surplus of £2,201,944 there required to be deducted for Famine £6,500,000. Productive Works expenditure, which should have gone to Public Works ordinary, £1,670,930, and loss by exchange, £177,071, together, £8,348,001, leaving a net deficit for 1877-8 of £6,146,057, in place of a nominal surplus of £2,201,944. He would not go further into finance accounts; the later years were in the womb of the future, and it was ill speculating on the complexion or features of the unborn; but he would like to ask the House to consider three of the proposals of the hon. Gentleman—namely, the great reduction proposed in Public Works expenditure, both ordinary and productive; the policy of borrowing in India at a much higher rate than that at which the money could be obtained in England; and the policy of the Loan Bill, involving the consideration of the Government controlling the exchanges. Now, the proposal with regard to the Public Works expenditure was that it should be reduced by £750,000, and that Public Works productive should be limited to £2,500,000. The expenditure under both these heads would then be—for Public Works ordinary about £4,000,000, and for Public Works productive, £2,500,000; making a total of £6,500,000, against the present total of £9,330,647, or a reduction of £2,830,647. He did not see how such a reduction as that could be effected in one year.

MR. E. STANHOPE explained, that he had stated that the reduction could not be made at once. In the present year it would only be £1,000,000, and it would take some time before the whole reduction could be effected.

MR. J. K. CROSS said, he was glad that he had elicited that explanation; but he wished to point out that this was a very startling proposal, and it involved very grave considerations. It was a reduction of no less than 30 per cent, and it was an open question whether it was

possible to effect so great a change. The Departmental expenses were now over £2,000,000 a-year; could they be reduced by £600,000? There were at present 1,100 civil engineers in India, at salaries averaging £600 each, or a total expenditure on that head alone of £660,000. Could they reduce that item of expense by so large a sum as £198,000 in any reasonable time? If they could not reduce the Establishment charges in proportion to the total reduction, the works undertaken would cost even more in proportion than they cost now, and at present the supervision charges were a monstrous abuse, costing, as they did, at least 23 per cent on the work done. But there was a very grave political question involved, for the reduction meant the discharge of a vast army of workmen who for years had been engaged in the Government service. Had the Government any idea of the number of men they were going to cast loose upon the face of the country, and who would have no occupation? If £1,000,000 out of the £2,800,000 saved was withheld from the wage-earners, at least 130,000 would have to be discharged, and no one could contemplate that state of affairs without grave misgivings. The advantages of borrowing in India, instead of in England, were supposed to be two-fold—political and financial. It was for the political advantage of the Government that the Indian Debt should be held by Indians; and it was a financial advantage that the interest should not come into the exchange market for remittance to England; there was also the advantage of the interest and principal being payable in silver. If the Government was assured that it had secured these advantages, it might not be bad finance to pay a higher rate for money in India than it would have to pay in England. But he ventured to assert that in the Loan issued in India, the Government did not know that it had secured either of the two first advantages, and it had paid an enormous price for the third. 40,000,000 rupees had been borrowed at $4\frac{1}{2}$, the subscription price being $94\frac{3}{4}$; the product was 37,900,000 rupees; the annual interest 1,800,000 rupees. If this Loan had been issued in England, the same amount would have been realized (reckoning the rupee at 1s. 7d.) by a loan of £3,000,400; the annual interest, at 4

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per cent, would have been £120,016, which, at 1s. 7d. per rupee, would have been placed in London by a sale of 1,516,000 rupees, or a less annual charge on India by 284,000 rupees than that incurred by the Government. This difference of charge, accumulating at compound interest, would repay the Loan at maturity, and it did seem to him to be at least a very doubtful piece of finance. He now came to the policy of controlling the exchanges involved in the consideration of the Loan Bill. There seemed to be a strong opinion among many Members of the House that it would be a great advantage to India if exchange and silver were to rise greatly in price. Many people outside the House of Commons seemed to think that India was about to be ruined by cheap silver, and that seemed to him to be such an extraordinary delusion that he would ask permission of the House to say a word or two upon the subject. First let him say a word about the question in gross, and then consider it in detail. India had in bygone years absorbed vast quantities of silver, and had given her products in exchange for that metal. For 20 years, ending in 1875, she had absorbed some 32,000,000 oz. a-year, and had given £8,000,000 of her products in exchange for it. Would she have been poorer if she had obtained 40,000,000 oz. of silver annually in exchange for her £8,000,000 worth of produce? If she were an exporter of silver, she might gain by its advance; but as she still bought more than she sold, it surely could not be a great disadvantage to her that the commodity she bought should be cheap. But let them consider the question in detail. The Madrassee rice-grower who owed taxes or interest sold his rice to enable him to pay those taxes or that interest and he now took his 40 lbs. of rice, exchanged it for the rupee, and, so far as the rupee would go, he discharged his debt. Screw up the price of the rupee by 10 per cent, give it a greater purchasing power, and he would have to take 44 lbs. of rice to exchange for the rupee; but surely, by so doing, he would not be richer. Again, the cotton-grower in Bombay or Bengal now scraped together 5 lbs. of the worst cotton he could find and exchanged it for the rupee, with which he paid his indebtedness as far as he could; but would he be

better off if he had to take 5½ lbs. of cotton to do that work? Let them apply this principle at home, and see how it would work. The Prime Minister, a little while ago, made a speech attributing some of the evils of the farmers to the appreciation of gold; he described how its enhanced purchasing power compelled the farmer to give more of his produce for it, and so impoverished him; and he described the evil vividly, as was his wont. But if a rise in the standard of value in England was bad for us, could a fall in the standard of value in India be ruin to India? That it seriously affected the Government was visible to anyone, and it would be well to consider the position of the Indian Government in this matter. They had a dual duty to perform—they had to govern India, and to sell silver. In their functions as a Government it was their duty to render the rupee, the medium in which taxation was paid, as easy of acquisition by the people as possible. As sellers of silver their duty was to get the highest price they could for it. Those functions were hardly compatible, and, no doubt, were hard to fulfil. The Government raised 500,000,000 rupees of taxes in India, and they had to sell 200,000,000 rupees of that to provide home remittances. If the rupee were screwed up 10 per cent, the Government, as silver merchants, saved 20,000,000 rupees; but the whole 500,000,000 rupees was harder by 10 per cent for the taxpayer to lay hold of. He had to part with more of his substance for it, and the taxation of India would be practically increased by 50,000,000 rupees. Was it worth while for the Government to tax India 50,000,000 rupees more in order to save 20,000,000 rupees on exchange? Then there was the opium sale; the price of opium must rise as silver depreciated. Indeed, the measure of the depreciation in silver should be the rise in opium, and if the opium sales equalled the silver sales, one should balance the other. But as the opium sales were only 100,000,000 rupees, and the silver sales were double that amount, the Government could only gain on opium half what it lost on silver; but that it must gain in proportion to its opium sales was certain, if silver had really depreciated equally with exchange. Those things took some time

to settle, for commodities did not quickly follow exchange fluctuations; but in the long run they were certain to do so. Now, if the Loan Bill was not intended to enable the Government to hold back silver when the market price seemed to them to be too low, the Bill had no meaning. The only excuse for the Loan Bill was the difficulty of selling exchange, which was really selling silver. As silver merchants, the Government were quite right in holding their silver, provided they thought it certain to rise. But before they asked the House to endorse a loan for that purpose they were bound to put before the House a careful forecast, showing the whole position as clearly as possible. They should tell them what silver they would have to sell for the next two or three years; they should endeavour to estimate what silver would come into the market against them; and, above all, they should make an estimate of what India would be able to absorb during the next few years, for on that he ventured to say the price of silver mainly depended. It was now three years since that question was prominently before the House, and he would endeavour very shortly to put one or two considerations concerning it before hon. Members. When the Silver Committee reported in 1876, they found three primary and three secondary reasons for the fall in silver. They were—first, the discovery of mines of exceeding richness in America; second, the demonetization of silver by Germany; third, the diminution of the Indian demand; fourth, the change of the standard of value in the Scandinavian Kingdoms from silver to gold; fifth, the stoppage of the free mintage of silver by France, and the limitation of the coinage by the countries of the Latin Union; and sixth, the expectant attitude of Holland, she having stopped the coinage of silver and adopted a gold coinage. In considering the case now, we might eliminate from the list the Scandinavian cause, because its action had passed by, and the Dutch cause, Holland now having adopted a gold standard, though still preserving silver as a legal tender. We should have four causes left, the American, the German, the French, and the Indian, which he proposed shortly to examine in the order in which he had named them. The American cause, which was considered very important, proved to

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have been exaggerated. Hon. Members would recollect the sensation created when we heard of pyramids of silver awaiting a market, and an outpour of £14,000,000 to £20,000,000 was feared. On reference to No. 9 of the Consular Reports for 1878, he found the following, which rather disposed of that exaggerated view:—

“It appears from the minutes on the production of silver in the United States that it is very much less than the financial world believed. Instead of producing silver to the amount of £20,000,000 a-year, the United States have in six years only produced £31,120,000, or an annual produce of £5,200,000.”

And in confirmation he would quote a statement which seemed to be authentic, taken from *The Economist* of the 26th April—

“That investigations made by the American Government concerning the product of the precious metals on the Pacific coast disclose the fact that the estimates made both by the Wells, Fargo “Express,” and by the Director of the United States Mint, are excessive.”

This statement also showed that the product had risen to £7,636,000 in 1876; but that it was estimated at only £5,000,000 in 1879. He might also state that the import of silver into this country from the United States was £19,300,000 in four years ending 1874, and only £9,000,000 in the four years ending 1878. He asked the House to conclude that the American cause was not, and had not been, a factor in the European depression of silver. But at some not very distant future time, when America should have supplied her currency requirements, the American production would again require a market in Europe, and should the Eastern absorbing power not return the price might be seriously affected. The German demonetization appeared to be almost accomplished. It had been estimated that in 1876, out of a total amount of silver supposed to be in circulation in 1871 of £59,000,000, there would be required for subsidiary coinage, £21,500,000; already sold, £6,000,000; remaining, £31,500,000. And from what he could learn from the first bullion brokers in the City, the total now sold by the German Government amounted to about £32,000,000, which was confirmed by a statement in *The Economist* of the 24th of May, taken from a Report to the German Reichstag, accounting for £52,600,000, by saying

that £19,200,000 had been recoined, and that £33,400,000 had been melted down and sold. It appeared, then, that there could not be much more silver to come from Germany. The amount sold by Germany was certainly large, and he had been unable to trace the destination of this large amount; but, had India maintained her old absorbing power, this £33,000,000 sold during the six or seven years could not have materially affected prices unless other causes had been at work. Perhaps we might consider the German cause as passing away and almost spent. The French cause—the stoppage of the free mintage of silver—could not in itself be considered a cause of depression, though it did become a depressing cause when any surplus silver was on the market. Hon. Members were aware that for the whole of this century France had held open her Mint for the free coinage of either gold or silver, and that anyone who took to that Mint 1 cwt. of gold or 15½ cwt. of silver would get the same amount in notes. The existence of this bi-metallic monetary equilibrium value practically regulated the relative value of gold and silver throughout the commercial world, and as long as it existed it mattered little to merchants whether their balances came to hand in silver or in gold, in the relative proportion of 15½ oz. of silver for one of gold. They always could convert the one into the other at the French Mint. That that was a great convenience to gold countries trading with silver countries, and *vice versa*, no one would deny; and, however they might hold to one metallic standard, there was no doubt that during the time that this bi-metallic value was open exchanges between silver countries and gold countries were wonderfully steady. But immediately this value was closed any little surplus silver ran about looking for some place to hide in, and if a buyer did not appear at the moment, the price fell. He might state that at the beginning of this century the production of silver was 46½ oz. to a production of 1 oz. of gold, and that in 1852 the production of silver was only 4 oz. to 1 oz. of gold; yet the variation in the relative prices of these metals was not more than 4½ per cent during 70 years, whilst since the closing of this bi-metallic value the fluctuations in 10 days exceeded the previous fluctuations in 70 years. So, if India had maintained

her absorbing power, that cause would not have depressed silver. This cause would seem to be rather a removal of the regulating power than a cause of depression in itself, and would leave the future of silver in Europe to be settled by the demand at the moment. He next came to the fourth cause, the stoppage of India's absorbing power. During the last 39 years she had absorbed £315,000,000 of bullion, mostly silver. In 20 years ending in 1875 she had absorbed £86,692,000 gold and £162,602,000 silver, or together, £249,294,000. In those years she had taken all the silver the world produced, and would have taken more if it had been obtainable, and the remainder of her balances had to be settled in gold. But since 1869 there had been a great diminution in her absorbing power. Thus the amount of specie absorbed in the two years ending 1857 was £23,846,000; in the four years ending 1861, £52,149,000; in the next four years to 1865, £75,280,000; from 1865 to 1869, £59,160,000; from that year to 1873, £29,948,000; and from the last period to the year 1877, £20,910,000. In the first 14 years of this period of 22 years India absorbed £210,000,000 specie, or at the rate of £15,000,000 a-year; but that in the last 8 years—including 1877—she had only absorbed £6,300,000 a-year. They should try to find out why India could not absorb in the way she did a few years ago, and it was only when hon. Members came to look into the finance accounts that they would find the reason clearly written. They would find there that the Home charges were going on increasing year by year. In 1868, it required only 84,970,000 rupees to satisfy the English or Home indebtedness; but, in 1879, it required 189,000,000 rupees. This was a monstrous increase. It was perfectly impossible that India could stand it and keep above water, and it was necessary the country should look into this matter as soon as possible. What was the cause of it? That seemed to be the difficulty. India sent us a very large quantity of surplus products. She sent us nearly £20,000,000 a-year more than we send her in merchandize. Where India would take, had she her own way, her returns in silver, salt, and shirtings, we forced her to take all kinds of things that she did not want. We made her take expensive soldiers, and still

more expensive civilians; and we made her pay for absentee soldiers—for soldiers who never went near her. He was not blaming any particular Government. He had shown that in 1868 the Home payments amounted to a sum equal to 43½ per cent of the land revenue, and that in 1879 they required a sum equal to the whole net land revenue. This showed an increase of annual charge upon India of 104,000,000 rupees in 11 years. The evidence of Indian officials showed how some of this increased charge arose. Men of great distinction were examined before the India Finance Committee in 1873, and they gave very telling evidence. In reply to a question, General Pears said—

“Every regiment in India has its colonel, usually a general officer, not an effective officer with the regiment, but at home. We pay that, as he belongs to, and is a member of, a regiment serving in India.”

So that colonels did not appear to be with their regiments in India, but in London, though India had to pay for their services. Then, as to the cost of recruits, General Pears said that under the Company it was £42 per head, whereas now it was £82 per head. The hon. Member for Hackney asked the same witness the following question:—

“According to the figures you have just given, one-fourth of all the officers belonging to the Indian Army, for whom India is paying, are in England?” The reply was—“Yes, I think that would not be very far from the mark.”

On the same subject, Sir John Strachey, an Indian official whose opinions were entitled to great weight, had ended a strong protest against the existing system, by urging that it was the duty of the Government of India, by economizing, to provide for the charges that became due on account of Military Services in the country. He had made various suggestions to the House in regard to Indian finance, and he was most anxious that hon. Members would consider various points which arose out of what he had ventured to urge. For instance, he would suggest the importance of considering whether the Public Works in India should be carried out, unless the Establishment charges could be brought into proportion with the value of the work done; and also whether it was advisable to borrow money in India at a higher rate than it

could be obtained in this country, unless it could be proved that India would derive advantage from that mode of dealing with the finances of the Dependency. On all the grounds he had stated, he asked the House to agree with him in thinking that the future course of silver, and, therefore, of exchange, would depend upon the absorbing power for silver which India possessed; and it seemed to him that that power depended upon her being rich or poor. She was rich if she had good harvests, economical administration, few absentee allowances; and poor if she had bad harvests, extravagant government, and monstrous absentee allowances. The harvests were not under our control; but we might hope that the usual rule of nature would be followed, and that years of famine would be followed by years of plenty. Might they also hope that extravagant government would be followed by economic rule; that monstrous absentee allowances would be cut down; and that, by a policy of peace abroad and retrenchment at home, the Home Government would do their utmost to put the people of this country in a position to absorb more of India's produce than in days gone by. If they could hope for this, they might expect a brighter future for India; but if they could not, the blackest page in the history of England's Colonial Empire, as far as its finance was concerned, was written.

Mr. J. G. HUBBARD thought the House ought to be thankful to the hon. Member for Bolton for the exceedingly interesting and useful speech in which he had dealt with the industrial progress and financial state of India. Returns showed that both the Revenue and the exports from India during the last 14 years had increased to a very large extent. Looking at that fact, he thought they must come to the conclusion that the financial and industrial condition of India was not such as need cause the serious alarm which had been raised. That difficulties had arisen and called for remedy was beyond doubt; but the question was to how the remedial measures could best be framed. The main cause of the immediate difficulty arose from the exchange difference in the value of the rupee. In India we found, not a gold, but a silver currency, and that currency, being the legal tender

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and the standard of value, must be dealt with precisely as the sovereign was dealt with here. One of the plans suggested by which to improve the existing state of things was that of a double standard, more properly called an alternative standard, for the one standard must always be in advance of the other in value; and while payments would be made in the less precious metal, the more precious metal would be exported. The other remedy, which was a very ingenious device, was called the bi-metallic system, and bi-metallism had been preached as a doctrine by a variety of distinguished men. It had been remarked that this scheme was entirely free from the inconvenience attaching to a double standard; because, whereas this inconvenience consisted in the fact that one or other of the two standards was always varying in value, under a bi-metallic system, the standards must always remain of the same relative value. The bi-metallic system, however, involved the necessity of all countries—at all events, those within the circle of civilization—combining to determine that gold and silver should, relatively to each other, have a certain defined proportionate value. If we had such a system in this country, any amount of silver, or any amount of gold, might always be introduced and lodged to the credit of the importer at precisely the rate fixed by this cosmopolitan convention. But it would never be possible to obtain from the nations of the world the *consensus* required before a bi-metallic system could be established. If its establishment were possible, however, what would be the result in England? Why, supposing a Mexican were to discover an exceedingly rich mine, and be able to produce an enormous amount of silver at 1s. an ounce, he would have a right to send it to this country and have it carried to his account at the contract price, which might be 5s. per ounce. The consequence would be that the combined currency of gold and silver would be so much enlarged that the whole of it would deteriorate in value, and that this country might be seriously injured through the diminished value of the medium in which foreigners would discharge their debts to her, now payable in gold. Neither the alternative standard system, nor the bi-metallic system could

be adopted in this country if we possessed any reasonable regard for our own interests. The right hon. Gentleman the Member for the University of London (Mr. Lowe) had presented a scheme of his own, to which he wished to call the attention of the House, as it was of a nature to challenge criticism. The right hon. Gentleman said that the rupee possessed a much higher value in India than in Europe; and that, though rupees were much depreciated here, in India they maintained very much their old value, so that the same coin had two very different values. With regard to these propositions, he was constrained to demur to the statement that the rupee possessed a much higher value in India than in England. Gold and silver could not be in one country at a higher value than in another, except to the slight extent of the cost of conveyance. With regard to the special scheme presented by the right hon. Gentleman, he quite failed to understand how a currency as good as gold, in which gold was to have no part, could be devised. The right hon. Gentleman wanted to do without gold. This was a scheme which could not be realized, and its announcement might have a mischievous tendency, as it might lead people to suppose that legislation could effect marvels in connection with the question of currency. The House, he contended, ought not to encourage a resort to any empirical remedies. If he were to be asked what should be done in the present state of affairs, he should frankly answer that he did not know what could be done to remedy the irremediable. They could no more reverse the past than they could foretell the state of things which would prevail 12 months hence. The difficulty in which we now stood was the result of circumstances which no legislation could have remedied. The pressure of the German silver constantly hung over the market, and affected its value; but that had a tendency to pass away at present. The difficulty was for this country to receive its Indian revenues in silver and apply them to the discharge of debts in gold at home; and he had come to the conclusion, without being able to suggest any remedy himself, that we ought not to attempt to remove this supposed difficulty by tampering with the currency of India, for successive changes did more to

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add to the evil than mitigate it. We should enter into no speculative engagements which would prevent a distinct and clear statement of Indian accounts, which was really what we ought to look to. Let them, therefore, adopt the present rate of exchange as regulating the financial affairs of India, balance their accounts, so to say, on that basis, and then start afresh. The Loan of £5,000,000 to India would enable them to tide over a certain time; but he altogether objected to any portion of that loan being made without interest. The idea of a loan without interest was abhorrent to sound finance, for a loan without interest was a gift. If India was in such a state of penury that she could not pay interest, then they ought to give and not to lend her the money. If, on the other hand, they looked forward, as he believed they might, to a prosperous future for India, they ought not to insult her by such an offer as that which had been suggested.

MR. GLADSTONE: Sir, I have listened with all due attention to this debate, though it has extended over a considerable time; and I feel, though India has on this occasion established her title to much more attention than her affairs have usually received from us, yet no extravagant claims have been made on her behalf; on the contrary, I think that we are still rather on the threshold and the surface of great questions connected with the interests of India and her relations with this country which are now forced on our notice. Indeed, everyone who considers the greatness of the Indian problem must at first sight be astonished to perceive how very small is the share of interest the Indian questions appear to excite in this House. In my opinion, the explanation is not very far to seek. It is not that anyone in this House depreciates the vast importance of those questions; it is, if I am right, that this Assembly, which is, I believe, the most active of all deliberative Assemblies in the world, and which transacts by far the greatest amount of business, is also a most over-weighted Assembly, and one, consequently, most in the condition of being obliged to pass by a great number of the important subjects that lie within its jurisdiction, not being physically or morally able to give them anything like the attention they deserve and require. The consequence is that we approach

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the discussion of Indian affairs now, perhaps, for the first time, under circumstances that are new—new in this respect, that they are now felt to have, what they were formerly only known in the abstract to have, an imperative claim upon the attention of this House. The debate of to-night has taken a course which I have observed with great satisfaction as far as the leading propositions advanced by the speakers are concerned; but it has been restricted almost entirely to the monetary aspects of this question, of which I shall say hardly anything. I cannot, however, approach the discussion without considering the favourable position in which we are now called on to deal with the subject of Indian finance, not as a mere Registration Court, which is, for the most part, what we have been for the transactions of the Indian Department at home and the Indian Government abroad, but as a Parliament which feels that very grave problems present themselves to us, and call upon us for solution in tones which are already loud, and which threaten to become imperative. I cannot help being impressed with the belief that we now stand at a point whereat, unless we are alive to the full gravity and urgency of the situation, the course of events, and that not a very prolonged course, may bring us into a position in which we shall have but one question to face—namely, the question of assuming responsibility for Indian Expenditure, in addition to our own engagements, as a charge upon the British Treasury. That is a contingency which presents to us such gigantic difficulties and dangers that I think, of the two, it is better rather to run the risk of exaggerating than in any way to extenuate the weight and importance of the question immediately before us. If we wish effectually to exclude the arrival of that—I will call it tremendous—contingency, I believe we can only do it by opening our eyes to the full difficulties of Indian finance as they now exist, and by determining to be content with nothing but adequate and effectual remedies. It was with great satisfaction that I heard in the speech of my hon. Friend the Under Secretary of State for India that Her Majesty's Government were determined to make a serious effort to effect retrenchment in Indian Expenditure. That, of itself, is a great step in the

right direction, and I will not stop to discuss whether the communication of that determination was not made at a comparatively late period. That it was made at all must be a cause of much satisfaction to us. But what remains to be considered, and what we have not yet fully ascertained, is whether the view taken by the Government of the range necessary for their economic measures is a range which will be entirely adequate to the circumstances of the case. On looking at the figures presented to us—the £250,000 expected to be saved in the Civil Service, the £650,000 in another important Department, and the rather vague items of saving in Army expenditure—I cannot say that my mind is wholly relieved from apprehension. I have a double apprehension: first, that the measures taken may be comparatively narrow; next, that in point of time they may lag behind the necessities of the case—necessities which are constantly and rapidly accumulating. I am sorry to think that the general state of India does not appear, at the present time, to give a bright and encouraging hue to our discussions. Painful impressions have been received in this country that the economic and material condition of the people of India is not what we should desire. No doubt, exaggerated statements have obtained currency, and salutary corrections have been applied; but I often think we are too apt to fall back on the abstract and theoretical splendour of the possession of the Indian Empire, and we do not sufficiently recollect that the administration of that Empire, in the final judgment of history, will bring no advantage or glory to us, except in the exact and precise proportion that that administration confers benefit upon that Empire, and renders India prosperous and happy. The facts before us in general do not show—I do not speak of what has been done by the particular policy of one Government or another—but I do not think that many in this House will cheer themselves with the belief that the material condition of India is advancing at a rate which they would desire, or, indeed, at a rate—considering the great efforts made to improve its social and legislative and administrative condition—which most reasonable men would expect. There are signs of deep-seated mischiefs the root of

which we seem not altogether to have reached. My hon. Friend the Member for the Elgin Burghs (Mr. Grant Duff) referred to disturbances in a particular portion of Bombay with an apprehension which I noticed, especially as coming from him, because I do not think he is at all given to exaggerated views upon any portion of our Indian policy or administration. There are signs of uneasiness, and even of violent uneasiness, in the body politic of that portion of India, which might rapidly spread, and which are disagreeable indications of the general condition. And this brings me to refer to certain measures which have been passed of late years for India, and which, I am afraid, were not only of questionable policy in themselves, but have been productive of deplorable effects. There was, as we all remember, great difference of opinion expressed in this House when the Queen was invested with the title of Empress of India. I am not about to express any adverse opinions upon that measure; but there can be no doubt that the assumption by Her Majesty of that title meant an increase in our responsibility towards India. It was a promise of great things to India—a promise of larger privileges and material advancement. But what has been the course of Indian affairs since the assumption of the title, and what is that assumption likely to carry with it on the minds of the people of India? Why, the period that has since elapsed has been one of peculiar difficulty and augmentation of taxes; and as regards the people, the Government have passed an Arms Act, which places the possession of arms under hard restrictions, and which, unprecedentedly, I believe, in the legislation of India, has much more the character of retrogressive than of advancing legislation. Above all, there has been the passing of that unfortunate measure for the curbing of the Vernacular Press. At a period of financial difficulty like the present, what could have been more important to us than to know what the people of India thought, not merely in their wisdom, but even in their occasional aberration? But this is the period we have chosen to limit the expression of Native sentiment, by placing the whole Vernacular Press at the mercy of the Government. I confess I thought it a most objectionable measure at the time;

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but I hoped that the Government would allow it to remain a dead letter, like that of the Ecclesiastical Titles Act, and merely to be held up *in terrorem*. But I have heard with the greatest regret that a journal standing nearly at the head of the Native Press has been placed under warning—that is to say, placed in a condition so precarious and dependent that it can no longer be published—and that on account, not of an editorial article, but merely of a foolish and imprudent letter from a correspondent. Feeling, with the Duke of Buckingham, how important it is to us to know the prevailing currents of Native opinion, I deeply lament this rigorous treatment of the Native Press; and I trust this House will not contentedly suffer that a policy should be pursued in India of a nature to estrange the people from our rule. These are the conditions under which I approach the Revenue of India. As regards that Revenue I think the discussion this evening, and especially the very able speech of the hon. Member for Bolton (Mr. J. K. Cross), which has afforded most valuable information to the House, has shown that we ought to beware of attempting to meet difficulties which may be temporary, and which, at any rate, arise under the operation of natural laws, by empirical remedies, and that we ought to preserve those general principles in relation to currency which experience has shown to be sound. The hon. Member for Bolton has raised the very important question whether we have not greatly exaggerated the magnitude of our loss by the Indian exchanges. The Government themselves have greatly reduced the figures in which the loss was ostensibly represented. Instead of £3,000,000 or £4,000,000, they place the loss at a sum not greatly exceeding £2,000,000. [Mr. E. STANHOPE: £2,750,000.] I beg pardon; I thought it was less. But what I wish to call attention to is the offset which the hon. Member for Bolton showed us we gained from opium—an offset amounting probably to £1,500,000. It is very important that the observations of the hon. Member for Bolton on this point should have their full weight with the House. It is not for me to say whether they can be impugned. If not, they will tend to impress us with the conviction that, however inconvenient and disagreeable, however costly even

and injurious, within certain limits, to the Government of England the present depression in the value of silver might be, it is not one of the main subjects with which we have to deal. It is an evil probably of a transitory character—one which the natural law of supply and demand will in due time remedy. There are other matters more deserving of attention. The hon. Member for Bolton has referred to the revenue from opium from an important point of view—namely, its relation to the value of silver, and I wish to consider it from another point quite different. Nearly all that is said upon this subject appears to be based upon the assumption that Indian Revenue is in the main like British Revenue, that it is as much within our control, and that we can equally assure its continuance and reckon upon its solidity. But we have no right to reckon upon the opium revenue as if it were a domestic revenue, because it is so largely dependent on the policy and legislation of a foreign country. It is all very well to say there is something in the quality of Indian opium which will insure the demand for it; but we ought not, as prudent men, to found our hopes of a revenue on such an opinion, which may at any time be falsified by improved methods of cultivation or treatment in China. The revenue from opium is not to be counted upon like the revenue from land, or like that from salt, which, be it objectionable or not, is under our control. The opium revenue we may accept with more or less compunction and regret, as ministering to our present necessity; but we have no right to reckon upon its full continuance. This is one consideration that ought not to be overlooked; another is the loss by exchange, though it may not be so large as it is sometimes assumed to be; and another is the recurrence of Famines every few years—a matter not yet divested of formidable features. I cannot omit referring to another subject, on the merits of which we are at issue with the Government—the unhappy Afghan War. Having regard to the extent of the operations, the number of troops in the field, the time they have been beyond the Indian Frontier, the altitudes at which they have been encamped, the season of the year, and the means of

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Mr. Gladstone

transport, if the cost be defrayed by the £670,000 charged on the financial year just expired, and the £2,000,000 to be put on the Indian Estimates, the economy of the war will have been truly wonderful. The Abyssinian War, which was a military operation extending over only a few weeks, cost some £9,000,000, and far exceeded all the estimates. I do not feel assured that the costs of the Afghan War will not be greater, considering what the cost of the former Afghan War was under the administration of the East India Company, which was certainly not less economical than that of the present Indian Government. I must, in passing, express deep regret at the charge of this expense on the Indian Revenue. It is impossible to answer the arguments contained in the Petitions from India presented by myself and others. I am afraid a deep sense of wrong and resentment will be generated in India by a course so little worthy of the greatness and magnanimity of this country as calling upon the impoverished people of India to bear nearly the entire charge. I do not say the whole charge, because a loan without interest is simply a mode of making a small contribution to the expenses of the war. I am afraid the charging of the greater part of this expense upon India will engender—and I am not prepared to say it ought not to engender—a sense of wrong, not extravagantly extended beyond the bounds of the subject, and of ungenerous treatment. I do not perceive that the Government have taken into account the effect of the war upon the future permanent finances of India. It is admitted that there are immediate expenses to be incurred; but will there not be a permanent increase of expense? We have advanced into a difficult country, and have undertaken to hold mountain passes, without escaping from any internal responsibilities. A high authority, Sir Alexander Arbuthnot, who was intrusted with the introduction of the Vernacular Press Act, and who approved the policy of the Afghan War, has recorded his opinion that it will entail a permanent increase of military charges; and since then it has been announced that a subsidy is to be regularly, and by Treaty, payable to the new Ameer. With regard to the remission of the import duties, there seems to me to be something distinctly

repugnant in the way it has been done in the time of India's distress and difficulty, by the Government of a Party which has done all in its power to retain every protective duty in this country, and which, from year to year, as the occasion arises, advises the Crown to assent to Colonial Acts imposing fresh duties upon British manufactures. What an invidious, almost odious, picture of inequality we exhibit to the millions of India! The Free Trade doctrines that we hold so dear, that we apply them against the feeling of the Indian people in their utmost rigour and without a grain of mercy, disappear in a moment when it is a question of dealing with those whose interests and opinions we cannot lightly tamper with—namely, the free Colonists of this Empire. The Governor General says he cannot see that financial difficulty can in any way be pleaded as a reason against what he calls fiscal reform. If that be a true principle of government, it has been discovered for the first time by the present Viceroy. There has not been a Free Trade Government in this or any country which has not freely admitted that the state of the Revenue is an essential element in the consideration of the application even of the best principles of Free Trade. An argument has been used by the hon. Member for Hackney (Mr. Fawcett) which it is difficult to answer; at any rate, it is high time it should be answered, if answer can be given. In an able article on Indian finance, he has put this question—

“If you determine to apply your doctrines of Free Trade, why do you apply them to the import duties upon cotton goods, and why not to the export duties on Indian produce? On every principle which has governed legislation in this direction, export duties have been marked out as the very first victims to be offered on the altar of Free Trade. In this instance there is the strongest additional reason for beginning with the export duties, for one of your embarrassments is the state of exchange, the difficulties of remittance, and the low prices at which Indian bills are sold in consequence of the want of a market for them.”

This argument is one we are entitled to expect Her Majesty's Government to meet in full if they intend to adhere to this measure, which has been, I think, precipitately and unwisely adopted in opposition to the strong sentiment of the Indian people for the repeal of the cotton duties. It will not be supposed

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that I am one who can recommend those duties upon principle as desirable, in comparison with others, when you can afford to part with them. It is the time and circumstances of their repeal which appear to me to constitute its gravity. Indian Revenue appears to be surrounded with an unusual number of risks and difficulties. It is less solid on its basis than a corresponding Revenue of equal amount in our own country, or, probably, in any other. There are peculiarities in its nature; it is hampered by the difficulties of exchange; it does not show that solidity and up-springing power in meeting difficult times which we should desire; and the review of the whole case greatly deepens in my mind—as I think it may also in the minds of others—a sense of the gravity of the situation, and a conviction that we ought not to put ourselves off with any unreal, or even with secondary or inefficient remedies, but, if we can, go to the root of the matter. Then, there is the question of new taxes. And there, again, I find official statements put forward which seem to indicate a belief that, upon the occurrence of an adequate cause, it would not be such a difficult matter to discover new taxes to be imposed in India. But how does this matter really stand? The experience of this country goes far towards establishing this financial proposition—that the imposition of an Income Tax is to be considered rather in the nature of a last resource in time of peace. The Income Tax has been tried in India, and, as I am convinced, has proved a failure. What have you done?—I do not say done wrongly; it is an indication of the real state of things, and the necessity under which we lie. You have established a licence tax, on which I shall only make two observations. The first is, that I cannot justify the resorting to this description of tax upon Indian enterprise and industry without you establish a corresponding tax upon English enterprise and industry in India and all English official salaries. But my main point is this—that you carry your licence tax down to incomes of £10 8s. per annum, so that a man who has 4s. a-week on which to maintain his family is called upon to pay the tax. I do not presume to say that this is wrong. It would be going far beyond what my knowledge would justify if I were to say so; but I

say this, that if it is right, it proves that you have reached the limit of taxation. That is a proposition of enormous scope and importance, because it reduces the Government to this position—that in their duty of providing a deficiency which is now stated at £3,250,000 annually, with so many dangers and embarrassments surrounding the whole prospect of Indian Revenue, they have, humanly speaking, no title to look to the imposition of new taxes. Therefore, the whole force of the arguments and speeches we have heard, even to a great extent the speech of the Under Secretary of State for India himself, goes to show that to retrenchment, and to retrenchment alone, we must look for meeting the difficulty. And if the scale of necessity has not been enormously mistaken, this retrenchment must be a very large retrenchment. My hon. Friend the Member for the Elgin Burghs (Mr. Grant Duff), who is by no means given to exaggeration in his views of Indian policy, but whose reputed disposition is, on the contrary, to colour it too favourably, has fixed the measure of retrenchment he considers necessary to give solidity to Indian finance at £4,000,000 a-year. That is a very grave statement, and I do not believe it is an exaggerated one. It means that there must be a reduction of what we may call 10 per cent, or from 10 to 12 per cent all round, in the real Expenditure of India. I think the race of economists, which was at one time a thriving and prosperous race and multiplied in the land, has of late dwindled away, and is now only represented in this House and elsewhere by here and there a solitary individual. But the most sanguine of these solitary individuals would, I am sure, make this admission freely—that it is no trifle you propose to yourselves when you talk of making a reduction of anything like £4,000,000 in the Expenditure of India. The main question is—in what temper are we to approach the operation? Are we to approach it in the spirit which is disposed to allow this plea and that, this inconvenience and that, nay, even to conjure up phantoms of possible dangers, as conclusive reasons against reduction, irrespective of the fact that there is no danger more pressing, or more formidable, than the condition of a country whose expenses are greatly in excess of its real income? To escape that great danger you must be prepared to take measures

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of corresponding strength. You must not proceed by paltry and peddling steps; you must not be afraid to have it cast in your teeth that you are making reductions in modes inconsistent with the dignity of this Government, or with the efficiency of the Service, or even with the security of the country, provided you believe that efficiency and security are not to be placed in real peril. You must get rid of a vast amount of conventional estimates; and it depends upon the rejection of these conventional estimates whether your measures of retrenchment will be effectual or not. Small measures of retrenchment will be worthless, and not only so, but if they blind us during the moments that are so precious to the real magnitude of the emergencies with which we have to deal, the mischief they may thus do may be greater than the good which they effect by establishing a partial saving here and there. I will say but a very few words upon the different heads of Expenditure. There is the question of the Civil Service. I think it is difficult to resist the force of those arguments urged on behalf of the Indian people themselves and by Indians, as they were indicated to-night by my right hon. Friend the Member for Birmingham (Mr. John Bright) from the Petitions he presented with regard to Civil Service appointments. I think we must not be turned aside by apprehensions such as those the Under Secretary of State for India put forward—namely, the fear lest we repel from seeking Indian appointments the class of men we require. I do not want to repel any such men; but we shall travel a good way before we reach the point at which that repulsion will take place. In the first quarter of a century of my lifetime every Government and every Parliament was firmly, and in a masculine spirit, set upon economy. I am sorry to say that I cannot congratulate recent Governments or recent Parliaments upon having acted upon similar principles. It is for this House to take care that it earnestly discharges its great and important duty of acting as a check upon the spending dispositions of the Government of the day, and so prevent itself from becoming that which I am afraid it has a tendency to become—the most powerful organization for increasing the heavy burdens now laid upon the people. There is one subject which I hope will

not escape attention—the question of the conversion of stocks from high rates to low ones—which I believe to be a practical and available, though limited, means of real and solid economy, which would have the secondary advantage of acting upon the portentous mass of remittance to this country, which has been admirably described as the core of the financial and economical difficulties of the case. As regards the proposed reduction in the expenditure on the Indian Army, it would be premature and most unwise of me to enter into the subject in detail; but what I cannot help fearing in some degree is that this question of reduction in the Indian Army has been viewed by the Government as a small subject, and from which no great results will follow. I trust that it is not so; for, if it be so, then, I confess, my expectations of retrieving the position of our Indian finance will be sorely damped. I should be very sorry if this subject were to be dealt with as one calling merely for the appointment of a Commission in India. It appears to me that there are many questions of principle connected with Indian Army finance reform, and with other subjects, which require to be considered in England quite as much as in India. It appears to me that leading principles which ought to be at the root of reform and retrenchment in the Indian Army are matters that ought to be either wholly or mainly considered and determined here. It is difficult to bring home to the minds of Indian Administrators the necessity that has arisen for economy in Indian finances, and for this reason—because no system could be devised which would throw upon them the ultimate responsibility. Neither the officers of the Army, the Council of the Governor General, nor even the Viceroy himself, are the persons who are ultimately responsible for the success or failure of Indian finance. The glory or the shame in connection with it may be in part reaped or suffered by them; but the ultimate responsibility must devolve here, upon those who sit upon these Benches within these walls. And I confess I am very jealous of mere professional delegations on these subjects, and most jealous when their operations are to be carried out in India. I do not agree with those who think that much is to be gained for India by a re-adjust-

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ment of the Home charges. It is true that there are men on the Indian Establishment, paid for by India, who are not in India; but it is also true that you do not make a man a soldier by putting a red coat on his back—he must be trained, he must learn his profession, and until he has learned his profession up to a certain point he is not practically a soldier. I have much more difficulty, I own, in dealing with the statement of the hon. Member for Bolton (Mr. J. K. Cross), extracted from the evidence taken before the Committee, of the officers borne on the Indian Establishment—that one-fourth are usually in this country. I am not presuming to blame anyone in this matter; but it is very difficult, with justice to India, to reconcile such facts. It is still more difficult to reconcile them with the doctrine, plausibly held, that, whatever retrenchment we think of in Indian expenditure, we must on no account reckon on a reduction in the British garrison in that country. It was pointed out in the debate on this subject during the last Parliament, that India derives some advantage from having in England what may be termed a military bank. That military bank is obliged to keep, as it were, in its coffers, an available fund to meet all demands. When the authorities in India want more British soldiers, they simply draw a draft upon the military bank in this country, and they get those soldiers at a moment's notice. When the authorities in India find that they have more British soldiers than they want, they send home so many regiments, and those regiments are immediately thrown upon the charges of this country. That is, undoubtedly, a matter which must be taken into consideration when you look at the system of Home charges, because on certain points of detail you might possibly find that some retrenchment could be made for the advantage of this country by transferring this charge to the British Exchequer. The greater question of the military reorganization in India I will not presume to deal with further than to say that many think that the present system of military transport for India is one of enormous cost, and that it would be better to resort to the cheaper and wiser system of relying upon the free and independent shipping market. That is a subject not entirely

without importance; but there are questions still connected with military organization in India, which, in my opinion, you will have to search to the bottom. It is not for me even to indicate them, since they are questions two or three removes from the subject under our immediate consideration; but I am convinced that if you are to effect the work you have taken in hand, you must have large retrenchments in the Indian Service, from top to bottom, and those retrenchments must largely include subjects of military expenditure. In all their measures of retrenchment and financial reform, I hope Her Majesty's Government will have special regard to the extreme desirableness, not only as a political, but as an economical measure, of locating Indian expenditure, as well as Indian service in India itself—to check, to arrest, if possible, to reverse, that injurious and even disastrous movement of the vast increase of remittances to this country—on all grounds, that is a subject of great importance. There is another question on which I wish to say a word. A long acquaintance with the financial system of this country has shown me that, whatever remains of economy there may be in our present system of Public Expenditure, and whatever hope that the spirit of retrenchment which possessed this House 30, 40, and 50 years ago may again return upon it, a very large share—an essential share—of the credit and efficiency of all measures for giving effect to those hopes belongs not to this or that Party, but to a particular Department of the Government and to its admirable organization—namely, the British Treasury, which is itself responsible to this House. Looking at Indian Expenditure, we must feel how completely wanting is anything bearing the faintest resemblance to the British Treasury. The control of the British Treasury over every other Department is a control felt not only after long intervals, but from day to day. It is part of the circulation of the life of the whole system, and it affects and modifies the entire character of our Expenditure. That Expenditure is now between £80,000,000 and £90,000,000. But when we pass over to India, with its Expenditure exceeding one-half of that amount, we find a total absence of anything of the same kind. The men who are connected with Indian

finance have, no doubt, the best dispositions and intentions, as far as they are personally concerned, in regard to saving the resources which are extracted in the shape of taxation from the Indian people. But they have none of the advantages which the British Treasury possesses. I do not think you can supply that tremendous void by any contrivance such as has suggested itself to my mind; but I am still convinced that a good deal might be done by introducing some direct influence drawn from the fountain-head of the English Treasury upon Indian Expenditure, not to affect those questions where the Indian Exchequer and the British are in competition with each other. On those questions, and on those alone, I should hold the English Treasury to be biased. But I believe that by an agency judiciously chosen and applied, we might bring some part of the rules and of the spirit of the English Treasury to bear on the details of Indian finance. That is a point which I would strongly commend to the serious attention of the Government. Far from enforcing any difference of view between those on this side and those who sit opposite—far from seeking the miserable gratification of making good and driving home any accusation against any one in this grave matter, what I most earnestly of all desire is, that this body of the Representatives of the people of England, upon whom, in the last resort, the whole responsibility must fall, should fully and clearly understand that they are approaching, and are called upon to deal with, no remote or secondary matter of the interest of a Dependency; but that they have to solve a problem, the solution of which is intimately associated, it may be, with the material, but undoubtedly with all the higher moral, interests of the nation and with the honour of the Empire.

Mr. SMOLLETT said, there was a great air of unreality, generally speaking, in that House when they came to discuss an Indian subject. In this present Session the Government stated that they were going to bring forward the Financial Statement of India in the month of May, and it was admitted on both sides that the matter was going to be made one of Party and faction. A "Whip" went out on each side, and a great audience

was secured. But when, on the very first night of the debate, the intention was abandoned of making this a Party and factious fight, then all interest in the matter subsided; apathy, indifference, and neglect prevailed in every quarter. Great orators, such as the hon. Member for Orkney (Mr. Laing), and the hon. Member for Kirkcaldy (Sir George Campbell), spoke to empty Benches, for very few people in that House cared one straw for India so long as the Indian dividends were paid. Tonight, and for the last two nights of the debate, they had heard nothing discussed except the currency question. The only speech he had heard worth listening to was the speech delivered by the right hon. Member for Greenwich (Mr. Gladstone). The right hon. Gentleman went to the root of the matter, and spoke of retrenchment, economy, and reform; things which were dear formerly to hon. Gentlemen on the opposite side, but of which very little care was taken now. It was upon these doctrines solely that he intended to address the House. He would speak quite unreservedly of officials on both sides. In his judgment, the affairs of India had got into a state of great derangement; but both Parties, both factions in that House, were answerable for that derangement, and the Liberal Party was more responsible than the Tory Party, because they had been longer in Office. The seeds of financial waste were sown in India many years ago; and lately, in 1874, when the present Government came into power, they succeeded to what he might call a *damnosa hereditas* in the management of India. He dared say that the Administration did not know it; they did not even now realize the idea; but it was true. The fact was, that the right hon. Member for Greenwich, in his Administration, intrusted the government of India in England to the Duke of Argyll, and, perhaps, among Liberal statesmen there was no man less competent than was his Grace to perform the duties which then devolved upon him. Nevertheless, the Duke of Argyll got on very smoothly in the India Office so long as Lord Mayo was Viceroy and Governor General of India, for Lord Mayo was a man of intrepidity, a man of character, and a man who would not be imposed upon, and he was an ardent supporter of economy and

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retrenchment in Indian Expenditure. One of the cardinal features of Lord Mayo's Administration, the keystone of his policy, was that he would not allow a single rupee to be spent on what were called Extraordinary Works. They were now called "productive," but they were falsely so called. But why did not Lord Mayo allow any money to be spent on what were called productive works? Because Lord Mayo had taken the Public Works Department under his own charge. He knew the extravagant demands of that Department; he knew that it overrode all the other Departments of India; he knew the lavish expenditure which was constantly going on in that Department; he was determined to put a stop to it, and he did. In the last year of his Administration, he only permitted the Public Works Establishment to spend £1,500,000 upon "Extraordinary Works," and the keystone of his policy was that no money should be expended except what came from the revenues of the year in which it was spent. But in February, 1872, when Lord Mayo fell by the dagger of an assassin in one of the Andaman Islands, the policy of retrenchment and reform was abandoned, and the vicious policy which now existed was established under the orders of the Duke of Argyll, and with the concurrence of Lord Northbrook. What the present Government, therefore, was answerable for was that they did not prevent that policy from being continued when they came into Office in 1874. They permitted that waste to continue, and now they had got into a state of difficulty which it would require all the courage of great statesmen to face. In that respect he quite agreed with the right hon. Member for Greenwich. In his judgment, the state of financial affairs revealed in Calcutta in January last was most disheartening. The accounts then published referred to three distinct years of Revenue and financial management—the years 1877, 1878, and 1879. In each of those years the wretched system of making a distinction between ordinary and extraordinary Expenditure was persevered in. That system, in his opinion, was introduced for purposes of delusion, and it was continued to prevent Parliament from seeing the real state of affairs. But his object was to show the result. In 1877 the ordinary Expenditure exceeded the

entire income of the year by £3,543,087. But that was not the deficit of the year. In that year £4,790,052 was borrowed, and expended upon what were called Extraordinary Works, now classed under the delusive epithet of "productive outlays." The deficit was, therefore, largely augmented, and the Revenue fell below the Expenditure by £8,334,800. That certainly showed a very sad kind of management of the finances of the country. In 1878, £2,000,000 of fresh taxation was placed on the people of India, which, however, did not yield that sum. In that year the Finance Minister made the very tardy admission that we were living beyond our income in India; that it was necessary to impose fresh taxes to bring about an equilibrium, and to provide a Famine Insurance Fund of £1,500,000 sterling. Our Rulers in India seemed to think that every 10 years there must be a Famine, and that £15,000,000 must be expended upon it. He thought that a delusion; and he was quite sure there would be many Famines in India, if £15,000,000 were to be expended on each recurring Famine. In 1878 the fresh taxation was entirely absorbed, and the Famine Insurance Fund existed only on paper. In that year, £4,599,000 was expended in what were falsely called reproductive outlays, and the deficit in the Revenue was £3,299,000. Then came the present year, 1879-80, for which we had only got the estimate of accounts. This year, the first time in 20 years, we had a war expenditure in India, and the amount charged against the year 1879-80 was £2,000,000. That war, in his opinion, was a just and necessary war, and he had supported it in that House. It was a war undertaken for the purpose of driving the Russians out of Afghanistan, and preventing that Power ever having a paramount influence in the government of that State. That war was supposed to have cost £2,000,000. India in former days could have paid three or four times the amount, and would have no difficulty in paying it now if the country were governed on the principles of common sense and justice; but India was ruled at the present moment in a very different spirit. What was the issue of the present year? These £2,000,000 were properly charged to the ordinary Expenditure; and the Expenditure exceeded the income by

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£1,395,000. In addition to this, Lord Lytton modestly asked for £3,500,000 more to be spent on productive outlays—on works which were not worth a farthing—and the consequence would be, if that waste were permitted, that we should have this year a deficiency of £4,895,000. In the three years, 1877-8-9, the Expenditure of India exceeded the income by £16,500,000, and it would have been £20,000,000 but for the fresh taxation of 1879. This state of Indian finance, in his opinion, was not only serious, but most alarming. It was the more alarming because we had always had “prosperity speeches” delivered in connection with Indian finance. The noble Lord the late Under Secretary of State for India (Lord George Hamilton) never appeared so happy as when dilating on the great benefits India was deriving from possessing an irresponsible Secretary of State—for the Secretary of State for India was practically irresponsible. The noble Lord used to revel in his statements of imaginary surplus millions flowing into the Exchequer of India, and fructifying there for the benefit of the people. When Members got up and spoke about deficits, they were told they did not know what they were talking about. They were ignorant of the very A B C of finance; no one could understand that subject but the noble Lord. He (Mr. Smollett) had once modestly hinted that the prosperity accounts on which the noble Lord relied were based upon cooked accounts; but the noble Lord was indignant. He said it was a foul aspersion on great Departments in India—on Gentlemen who were a great deal too honest to cook accounts. He made the charge; he adhered to the charge; and he repeated the charge, with this addition—that the accounts were purposely cooked, and he should prove it. The noble Lord the Secretary of State for India at that time (the Marquess of Salisbury), speaking in “another place” on the 4th of March, 1876, stated that the finances of India were in a most prosperous condition. He said the finances were admirably managed; that in four years, if the accounts sent to him by Lord Northbrook were correct, from 1869 to 1873 inclusive, there were enormous surplus revenues brought into the Exchequer and accounted for. They amounted to the magnificent sum of £8,571,000. These were surplus re-

ceipts, after paying every proper charge in India and in this country. The noble Lord the Under Secretary of State, of course, re-echoed this statement in that House. Not having the fear of Secretaries of State and noble Lords before his eyes, he ventured, on the 13th of February, 1877, to move a Resolution declaring that the House viewed with alarm the state of Indian finance; but he had some difficulty in finding a seconder. The hon. Member for Ashton (Mr. Mellor) seconded it. The noble Lord, in replying to his Resolution, declared that there was not a word of truth in it from beginning to end. “Deficit,” said the noble Lord, “why, in this very year, the accounts of which are just about to close—in the year 1875-6—there is, and will be found, a clear surplus of £1,700,000, after paying every proper charge that the Government can bring against the Revenue.” The noble Lord made that somewhat audacious assertion in a year when he had refused to permit any alteration in the cotton duties paid in India, on the ground that there was no surplus Revenue. The noble Lord said—“You talk of deficits at a period when no Secretary of State has been required to borrow one single halfpenny”—or as they would call it in Scotland, not a single baubee, in order to carry on the Government of India for the last 10 years.” “Deficit! Why, in the six years from 1869 to 1875 we have had a surplus of £13,000,000, after paying every possible charge. There has been a Famine in these years. There was a Famine in 1874-5, and the amount of money spent in that year in respect of the Famine was £6,500,000, or very nearly £7,000,000.” “Who paid it,” he said. “We had not to borrow the money. It is a perfect delusion to suppose that we have borrowed the money to pay for it. It was paid out of the £13,000,000 of surplus which accrued from 1869 to 1875. And there were £6,500,000 left after paying that enormous charge.” About that charge there was a perfect scandal. There was no Famine in Bengal in those years. There was a death, but nothing like a famine, and £1,500,000 would meet every possible charge that could be honestly made in respect of expenditure in India in those years. [“Hear, hear!”] He was glad to hear an hon. Member on the Opposition side

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take that view. He (Mr. Smollett) once had a different view himself; but he had found that what he now stated was the fact. His opinion was that there was not a word of truth in the statement about Famine expenditure and a surplus of £6,500,000, and that it was furnished from cooked accounts. The money to meet the Famine had been borrowed in the City of London, and the balance of £6,500,000 remaining in the Treasury was a myth. But the noble Lord assumed all this to be true, and spoke of the prosperity of Indian finance. He said that in normal years there was a clear surplus of £2,000,000 sterling per annum—a sum sufficient to meet Famine charges, and to leave still most satisfactory surplus receipts in the Indian Treasuries. Now, these statements were perfectly true in one sense; but they were most fallacious and deceptive in another aspect. They were true, provided we shut our eyes and refused to acknowledge the fact that the Government was borrowing largely in each of the years during which we boasted of surplus receipts. In those years the Government borrowed millions of money and kept the loans out of sight, carrying the sums borrowed to the head of a suspense account, or entering the loans on account under the head of “recoverable assets.” This mode of dealing with loans might be correct, provided the money borrowed had been honestly spent upon productive works—works which, within a limited period, produced large returns, and provided great care had been taken to prevent large outlays being charged as recoverable, although spent on undertakings which were wholly unproductive. Parliament was constantly assured that this was the case, that no works made with borrowed capital were sanctioned in India, save such as were sure to be largely reproductive. These were the accounts and statements which he assailed as unvarnished. He frequently quoted instances of irrigation canals upon which millions had been wasted, and from which no returns were anticipated. His charges were disbelieved. Nobody took the smallest notice of them; but they were true nevertheless, and the truth was disclosed in 1877, just three or four weeks after the speech of the noble Lord the Member for Middlesex had been made, in which he took credit for a surplus of £13,000,000 in six years. In

March, 1877, Sir John Strachey brought forward the Budget for that year. He took what he called a hopeful account of India at that period. He demanded £4,000,000 for Extraordinary Works, for productive works which produced nothing but mischief; but the Finance Minister admitted that in this sum there was a charge for works, which ought to have been classed as ordinary, amounting to £1,200,000. This charge had been erroneously foisted into the account. Sir John Strachey next admitted that he had looked over the accounts of his predecessors in office for the last six or seven years, and had found, somewhat to his surprise, that £4,700,000 had been expended in those years, and had been regarded as recoverable assets, which had been expended on railways made for military purposes, works never expected to yield mercantile profits. Lord Lytton admitted that this was true, acknowledging that positive orders had been sent from England not to allow undertakings of this nature to be entered as extraordinary; but these orders had been disregarded. Now, what was this but a direct admission that the accounts of Expenditure had been improperly cooked in order to show surplus receipts of Revenue when none existed. But this was not all. The Finance Minister said nothing of vast sums wasted upon irrigation works wholly unproductive, yet, in like manner, treated as productive outlays, although no one knew the fact better than Sir John Strachey. For, in this Budget Statement for 1877, he proposed to impose on certain districts of Bengal a local cess of £275,000 a-year. This local cess was imposed to recoup the Government for the interest of some £6,000,000 sterling spent on irrigation canals, which were found when finished to be wholly unproductive. The demand was a most discreditable one; but the fact that it was made amounted to an admission that, with the military charges, a sum of £12,000,000 had been carried to a false or improper account, and had been treated as a recoverable asset; whereas the money should have been charged to the ordinary Expenditure of the years in which the outlay was made. These admissions proved how erroneous were the calculations of surplus receipts made in the six preceding years by the Under Secretary of State. In the same year, in December, 1877, the

Finance Minister imposed fresh taxes upon India, which were expected to produce £2,000,000 sterling, upon the ground that the money was urgently required; while in February, 1877, the Under Secretary of State was boasting of a clear surplus of £2,000,000 annually then existing, sufficient to meet Famine charges, and still leaving larger surplus receipts upon an average of six financial years. These contradictory statements, proceeding at one and the same time from officials in Calcutta and in London, sufficiently displayed the ignorance which, two years ago, prevailed in the matter of Indian finance. In Asia, as in Europe, these gentlemen lived in a Fool's Paradise. In the speech of the Under Secretary of State (Lord George Hamilton) on the 13th February, 1877, the noble Lord insisted that it was popularly believed that the Government of the late East India Company practised a strict economy, while the Imperial Administration was extravagant and wasteful. The reverse, he said, was the truth. The noble Lord proved it in this way. He took India from 1814 up to the period when the Company's rule ceased, and he said that during those years the East India Company exceeded its income by £72,000,000. £42,000,000 of this amount were added to the National Debt from 1814 up to the year 1856; and during the last three years—from 1857 to 1859 inclusive—£30,000,000 more were borrowed to put down insurrection. The noble Lord declared that the whole of this was unproductive expenditure—that £72,000,000 had been recklessly wasted. He never heard a more extraordinary statement than that, or a more odious comparison. In 1814 the Company did not possess one-half of the territory which we now held in India. It did not enjoy anything like a moiety of the revenues which we now drew from those territories. From that period—1814—up to 1855-6, the East India Company was engaged in constant wars—wars of aggression, usurpation, conquest, and annexation. During those years the Company was engaged in acquiring, in building up, and in consolidating the vast Empire over which Her Majesty now reigned—he wished she reigned with greater success. The Marquess of Hastings was Governor General at that time. He carried on great and successful and expensive wars against the Mahratta powers, and spent huge sums

in putting down the Pindarree insurgents. The successor of the noble Marquess was Lord Amherst, who quarrelled with the King of Burmah. He spent £10,000,000 or £12,000,000 in a Burmese war, and he added the present Tenasserim Provinces by conquest to our Empire. At a later period Lord Auckland sent a great military expedition into Central Asia—into Afghanistan—costing £17,000,000, paid by the East India Company, borrowed in India, and no difficulty found about the borrowing of it. That was part of the £42,000,000 spent up to 1855-6. Lord Ellenborough succeeded. He lived in an atmosphere of war, and had a passion for war. On one occasion, at a meeting in Calcutta, he (Mr. Smollett) heard Lord Ellenborough declare that the only moments of unalloyed enjoyment in his official life were those which he had spent in the camp. Lord Hardinge, who followed, entered into a fierce struggle with the Sikh Army, which was at last overthrown, and we added the Punjab to our rule. Then came Lord Dalhousie, who annexed Pegu and Oude, which led to the Mutiny, costing £30,000,000. The Mutiny was suppressed, and we secured possession of one of our finest States, Oude. No doubt, the East India Company spent £72,000,000 in that way; but it was idle to say that the expenditure was not productive. It produced the Indian Empire; it added annually £30,000,000 to £40,000,000 to our means. The charge which he (Mr. Smollett) brought against the Imperial Administration was this—that ever since Her Majesty's Government took possession in 1860, in a time of profound peace, it had managed India with such an utter want of discretion, prudence, thrift, and economy, that at the present moment we were, and for many years past had been, drifting into something like bankruptcy. He had the accounts of India during the last seven years, going back to 1873, in his hands, and he would read them. Why did he go back to that year? Because that was the first year of Lord Northbrook's Administration, and because, in 1872, under Lord Mayo, who had enforced economy to a vast extent, there was a surplus of income. But Lord Mayo's policy was set aside with this result—the deficit of income in 1873-4 was £5,360,000; in 1874-5 the

deficit was £3,930,000; in 1875-6 the deficit was £2,601,000; in 1876-7 it was £5,992,000; in 1877-8 it was £8,334,000; in 1878-9 it was £3,299,000; and for 1879-80 it was estimated at £4,895,000. The total deficit in seven years was, therefore, £34,500,000 in round figures. The increased taxes imposed to meet this state of affairs were destroying the loyalty of the people of India to our Government. We must now make reductions, for this state of things should not be permitted to continue. What, then, was the remedy? We were told that a change had at last come over the official mind, that the gravity of the situation was admitted. The confession of amendment was certainly not hearty, although they heard no more of millions of surplus receipts fructifying in the Indian Treasuries. The necessity of cautious economy was admitted; but the reductions contemplated were peddling. If the statements he had just quoted of the deficits of the last seven years were true, a reduction of at least £6,000,000 sterling of annual Expenditure was needed to place the Government of India in a secure position. What was the proper position of a Government? It should be able to meet, one year with another, the entire ordinary and extraordinary Expenditure from the annual Revenue without borrowing. A strong Government should have a considerable surplus Revenue to meet emergencies, whether of War or of Famine—it should have funds at its disposal to reduce the National Debt, or to remove onerous and grinding taxation. Steps to insure this should be taken. The hon. Member for the Elgin Burghs (Mr. Grant Duff) stated in this discussion that Lord Mayo had cut down the lavish expenditure of Lord Lawrence by £5,000,000. Why, he (Mr. Smollett) asked, could not this, and more than this, be done again, and in the same way? Of course, a man of determination, and of pluck, and of backbone was required to do this; and as Lord Lytton was, confessedly, not a statesman of this sort, another plan must be taken. In his (Mr. Smollett's) judgment, a Royal Commission should be forthwith despatched to India empowered to carry out large reductions in the expenditure of the Civil and Military Services, to the extent of at least £2,000,000 per annum, and that in the space of one year. Some

£5,000,000 more could be saved at once by wise reductions in the Establishment of Public Works. He should not enter then upon a history of the origin and growth of this Department. The Establishment, in its present position and magnitude, was universally spoken of as the scourge and curse of our Government. He had it from a high authority that the cost in wages, salaries, and emoluments was at least £1,250,000 a-year. He should suggest that one-half of the Establishment, beginning with its head, Sir Andrew Clarke, should be discharged; and that a maximum sum of £600,000 should be the limit of the charge for the Department in future. He saw from the public accounts that the disbursements under the head of Ordinary amounted to £3,500,000 a-year. He knew that the expenditure under the head of Extraordinary had been £4,700,000 in the last two years—thus, the entire charge in each year was, with the office Establishment £9,500,000. In his judgment, the expenditure should be limited and fixed at £4,000,000, including cost of Establishment; and this should on no account, be exceeded. If this were done, there would be a saving of £5,500,000 a-year. He might add, in conclusion, that great and sweeping retrenchments of this character would restore confidence and loyalty to the Native mind. The suggestions he had made were simple, easy of accomplishment, and thoroughly practical. They would make no impression upon official minds, he was sure, on either side of the House—for officialism detested frugality. Retrenchment and common sense, applied to Indian finance, were repugnant to the official mind.

MR. RATHBONE: I am sure it must be a matter of great satisfaction to all those who have really watched the course of our management of the affairs of India that at last there seems some approach on the part of the House to recognizing the importance and difficulty of the task which we have undertaken in the government of that country. I have only one comment to make on the very able speech of my hon. Friend the Under Secretary for India in opening the debate—that it was only too able, and too successful in one of the objects he had in view, that of allaying alarm; for, in order to give him power to carry

out the reforms contemplated, it is necessary that public opinion in England should continue alive to the very serious, though by no means hopeless, position of the finances of India. The hon. Gentleman's admissions were so candid, and his assurances in many respects so satisfactory, that it was evident that hon. Members went away with the feeling that though there had been danger, the Government, being aware of that danger, it was a thing of the past. But this is very far from being the case. I do not propose to go at all into the general question; but having studied very carefully the last India Financial Statement, ordered to be printed on the 2nd May, 1879, and having listened attentively to the debate, I want to call attention to some points which, in the interests of the people of India, as contrasted with the Government, the trading community, and the capitalists of this country, have not been sufficiently considered. First, with regard to productive Public Works, the Indian Government say, in the Financial Statement, paragraph 11, page 5, that—

“The financial condition of that State is unsound whose yearly Public Revenues, rigidly criticized, are habitually less than its whole yearly Public Expenditure, excepting only that portion which may be confidently trusted to produce a revenue at least sufficient to cover the interest on the excess of Public Debt which results from it.”

Now, this statement is so sound and clear that it is to be regretted that their subsequent statements seem to show that, as men of business, they are not aware how much more strictly that principle must be applied in future if they are to avoid insolvency; for they go on to treat as productive expenditure that which they themselves say, in paragraph 148, page 125—

“Cannot be expected within any time that can be foreseen to produce a profit equal to the interest upon it.”

And anybody who will cast his eye over the Paper circulated this morning—which I regret there has not been more time to consider—will see that among a great many of the undertakings treated as productive, and, therefore, as good assets, there are several which are not worth anything like the amount of capital which has been expended upon them. Now, I venture to think that this mode of account-keeping is just that which has brought the City

of Glasgow Bank to its present position. They, like the Government of India, continued to value at its cost expenditure intended to be productive, but which had not proved so. Of course, I am not advocating a sudden reduction of expenditure, which might be politically dangerous, and very hard on the people of India. But what is absolutely necessary to prevent insolvency, is a much more careful investigation of the probable adequate return for expenditure. The expenditure now proposed of £2,000,000, if added to the Debt of India for works that are not, to use the words of the Government of India, sufficiently productive to cover the interest or the excess of Public Debt which they cause, must ultimately break down the finance of India; and it will be seen, on referring to page 12 of the Paper issued to-day, that the return in 1877-8 on the £18,000,000 expended during the last 10 years on State Railways does not yield quite $\frac{3}{4}$ per cent towards it; whereas the cost of money to the Government has been stated by them to be $4\frac{1}{2}$ per cent. A small part of the deficiency is, no doubt, due to incomplete undertakings; but it is evident that much of it is due to undertakings which will not, within any reasonable time, be remunerative; and when people point to the satisfactory improvements in the returns from guaranteed railways, it must be borne in mind that in the first instance, of course, English capitalists selected the large main lines, which were likely to be most productive, and that most of those that are left are those that are less promising. The Government of India should furnish us with a careful estimate of the probable return, within a reasonable time, of revenue from those so-called productive works; and such as are not likely to be productive within a reasonable time should no longer be treated as productive expenditure. Again, with respect to a remark made by the hon. Gentleman, that he would be sorry to reduce the expenditure on the Civil Service in India for fear of injuring the quality of the Service, of which he spoke with justifiable pride, I am satisfied, and so, I fear, are most of those who have studied the present position of affairs in this country, that the returns from trade and manufactures, and other occupations, are not likely to be on the same prosperous scale in the next 20 years

that they have been in the last ; while, on the other hand, there will be a much larger supply, from the increased facilities for education, the best educated services. Therefore, the Government of India are likely to meet in future much less severe competition for the service of superior educated men of the best description than they have done in the past. A more moderate rate of remuneration and of superannuation will secure for the Government the high-class servants whom they have hitherto secured ; and, acting as they are for such a poor population as that of India, they are bound, while giving a fair, not to give a remuneration beyond that which is necessary to secure the services which they require ; and I am satisfied that there may be considerable reduction in this respect. There is another point on which I think the Government, acting for so poor a population as that of India, is bound to be very much more strict than it has hitherto been. I mean in dealing with capitalists. Now, it was an unjustifiable thing, for which, I believe, neither this nor the late Government were originally responsible—but I care not who is responsible for it—it was utterly unjustifiable to purchase the Orissa irrigation works, at the cost of the people of India, for £1,000,000, when the undertaking was unsaleable in the market at £600,000, besides giving, if I remember right, £70,000 to the officials of the Company, as what I can hardly characterize as anything but a bribe, for concluding with the Government an operation so disadvantageous to the country. And even in the East India Financial Statement of the 2nd of May, the Government seems to consider that it may be justifiable to give to capitalists, for work actually completed and done with, more than the strict letter of their contract entitles them to receive. When you look at the amount of English capital which is seeking investment, and the readiness—nay, the rashness—with which English capitalists seek investment that is likely to be profitable, it appears to me an improper thing to pay on account of the poor people of India to capitalists who were guaranteed against loss, and who have made very handsome profits, more than they are bound to pay. If it be contended that there is no great readiness on the part of English capitalists

to invest capital in India, it must arise from one of two causes—either that this coddling system is really injuring instead of promoting enterprise in that direction, as, in fact, the system of Government aid has a tendency to do ; or the enterprising English capitalist does not find in these undertakings profitable employment for his capital. In that case, it ought to be a caution to the Government to be careful how they undertake operations which are thus shunned by private enterprise. Now, I know that people will sometimes point to the large increase in the exports from India as an indirect advantage, which must be taken into account ; but when these exports are stimulated by undertakings which can only be paid for out of the taxation of the people of India, they are not a benefit to them, but an evil. You are, in fact, doing the very thing that we blame the French Government for doing in the sugar bounties. If you promote the export of grain from India by carrying it to the ports by railways, which do not pay, but would have to be paid for out of taxation levied on the people of India, you certainly may cheapen the price of grain to the consumer in England and France, but it is at the cost of the poorer people of India ; and I do not know how far our agricultural friends will, any more than our sugar refiners, like competition in the supply of wheat thus artificially stimulated. There is only one other point which I think has not been sufficiently considered in its effect upon the Indian population. The silver question has been generally treated as if it had only one side to it. People speak of the depreciation of silver solely with the view to its effect upon the Debt of India, contracted to be paid in gold, and upon our trade with India and other countries with silver currency. Now, I am not going to trouble the House with a discussion as to whether it might be wise to introduce a bi-metallic currency. Nor am I prepared to deny that if the Government see their way clearly within a reasonable time to withdraw the sums they require from India at a more advantageous rate of exchange, they might not be wise to postpone the transfer of money from India ; but, unless they do see their way clearly to do this, I do say that any tampering with the exchange temporarily to raise the rate, at what

may prove to be the cost of the people of India, would be a most unwise and improper thing. It must be borne in mind that the working population of India are large debtors of sums to be paid in silver, and that the cheapness of silver must have diminished enormously to them the pressure of the evils which they have recently been suffering under. The ryot in India has to pay the money-lender in silver, and the zemindar in silver for the rent of his land. Had the trade been in its ordinary state, the effect of the depreciation of silver would have been largely to raise the rupee value of the produce of his labour and of his land. Owing to the very bad state of trade, it has not taken this form, but it must have prevented enormously the depreciation of the value of the produce he had to sell, and of the value of his labour; and you have no right, at the risk of its being at his cost, artificially to raise the value of the sums which he has contracted to pay in silver. When gold was discovered in California and Australia, we did not find that the abundance of the metal which formed the basis of the circulation of this country was injurious to us. On the contrary, it greatly stimulated the prosperity of this country; and why should not a similar cause produce a similar effect in India? The Government of India require to be very much on their guard in viewing this question, because, of course, the whole Civil Service of India, and the whole mercantile community, have a decided interest in this matter antagonistic to the interests of the people of India; and it is most difficult, therefore, for the Government to hold the balance even where most of their advisers are deeply interested on one side of the question. The Under Secretary of State for India, at the close of his speech, spoke of the greatness of the task we have undertaken in the government of the millions of India. Not only is it a great task, it is a greater task than has ever been successfully accomplished by any nation which has borne Imperial sway over other countries. The hon. Member is, as we all hope and believe, on the threshold of an eminent career; and I venture to think he could set before himself no nobler undertaking than that of thoroughly mastering and bringing home to the people of this country the enormous responsibilities they have undertaken, and the

enormous difficulties of the task of making out of those millions of poor people of India a nation, not merely of well-fed beings, but of industrious, intelligent, self-reliant men.

MR. GOSCHEN: The state of the Indian exchanges and the price of silver play so important a part in the discussions of Indian finance that I feel I need make little apology if I confine my remarks on this occasion exclusively to this one topic. Other parts of the Indian Budget command the very greatest interest, and it is no want of appreciation of other most weighty matters which induces me to speak of the question of exchanges alone to-night. I shall confine myself to this one topic, because it is in itself so wide that it would scarcely leave me at liberty to dilate on other matters. And, in the first place, let me express my satisfaction that, on this occasion, the question of exchanges has not been discussed simply on the basis of the loss of so many millions sterling, but that the much more important bearing which it has on the population of India has not been lost sight of. I am afraid that heretofore the whole subject has been too much looked upon through European spectacles, and with reference to the difficulty which is so painfully apparent to those who have to receive payments in silver on which they sustained a loss when they convert it into gold. Heretofore, it seems to have been almost forgotten that the internal transactions of India must be considered as much as its external trade.

Now, I purposely made a distinction between "the state of the exchanges" and "the price of silver." They are two separate, though connected, facts. The state of the exchanges may be very unsatisfactory, while the condition of the silver market may have a very different effect upon the condition of India generally. Is it so absolutely clear that the depreciation of silver is a calamity to countries with a silver currency? It has, at all events, never been explained why the flood of silver into India must have such disastrous effects, while the influx of gold into England, after the discovery in Australia, was hailed as a fertilizing stream. Gold was depreciated, but trade was said to be stimulated thereby. Silver is depreciated in India, and why should we there expect a con-

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trary effect. Again, let me say that the question must be looked upon from the Indian point of view, and not to so great an extent, as has been usually the case, from a European stand-point. The hon. Member for Bolton (Mr. J. K. Cross), in his able and most lucid speech, has rendered the greatest service in drawing attention to this duty.

I am not sure whether the House generally has sufficiently observed that we have escaped a very great danger. It will remember the statement which was made by the Under Secretary of State for India when he opened the debate, that proposals had been made by the Indian Government which had been disallowed by the Government at home. The danger which we have escaped is this—It was intended artificially to raise the value of the coined rupee. It must not be forgotten what the currency of India is. Indeed, I have been tempted to ask myself whether it has not become necessary to repeat in another form the famous question of Sir Robert Peel, and say, not “What is a pound?” but “What is a rupee?” A rupee is a coin containing 165 grains of silver and 15 grains of alloy. At the old price of silver, when the porportion between gold and silver was as $15\frac{1}{2}$ to 1, these 165 grains of silver were worth about 1s. $10\frac{1}{2}d$. Their present worth is about 1s. $8d$. That is the simple account of the rupee; but it must not be forgotten that in India bars of silver, in unlimited quantities, may be brought to the Mint to be coined, and coin obtained in exchange; and, just as in this country, the currency is co-extensive with the amount of gold which those who have anything to sell are able to obtain in return for their goods, so the currency of India is co-extensive with the power of India for procuring silver by the means of selling goods. It is an unlimited silver currency; and it is on the basis of that silver currency that all contracts have been made in India. If any measure were adopted to close the Mint upon silver, the privilege would be taken away from debtors of paying their debts through the medium of the coinage of silver bars; and it would compel all debtors to apply to those who have coined rupees to sell. Now, the great sellers of rupees are the Indian Government. The Indian Government have £15,000,000 worth of coined rupees

to sell every year. It would certainly be an ingenious plan, if it were proposed that as the Government could not sell coined rupees with advantage under the present system, they had better suspend any fresh coinage of silver altogether. Such a step would raise the value of the coined rupee, it would raise the price of the lowest drafts; it might save the Government from heavy loss. But such a course would, practically, be equivalent to sweeping away, in an arbitrary manner, the supply of silver for circulation in India. Any measure thus designed artificially to raise the value of the rupee would disturb the whole of the internal transactions of India; and, clearly, we must be careful, lest in our attempts to save the Government from financial loss, we do injustice to the population over which they rule.

But other evils are alleged besides the loss to the Government from the sale of their bills; for instance, the violent fluctuations in the exchanges, the instability of the price of silver—elements of uncertainty said to paralyze trade. No doubt, these violent fluctuations have been disastrous to many, and have been a great trial to the whole Indian trade. We have passed through a period which has been viewed by all merchants trading with India with regret and alarm. And I do not wish to minimize these causes for regret, if, on the other hand, I call attention to the fact that this country has continually done a prosperous business with countries subjected to no less violent fluctuation in their exchanges. Look at the trade with the United States when gold was at an immense, but ever-varying premium. Look at the Russian exchanges, utterly without stability; at the Austrian exchanges. Yet England has always done good business with such countries, nevertheless. There is nothing new in disturbances of trade through fluctuations in exchange; and surely we must be exceedingly careful to avoid being tempted by such a difficulty to have recourse to empirical remedies. I am glad to find that empirical remedies have been repudiated in so many quarters of this House. Again, as regards actual loss by the fall in the price of silver. No doubt, there has been a loss for many besides the Government. But it is very important to realize who are the losers. The hon. Member for Bolton has alluded to the various classes; but

it is worth while to make this very clear. Those likely to lose, in the first instance, are such as receive their income in rupees and have to remit a portion to their families in Europe. Most Indian officials belong to this class; but many persons besides may have to make remittances to Europe out of an income measured in rupees. Then there are the great banks trading with India. Many of them are in this position—they have taken deposits in England and Scotland in gold, or in £1 notes, and have lent the money out in India. They cannot bring silver home without experiencing a serious loss. When events occur, such as the breaking of the City of Glasgow Bank, an event which affected very distinctly the commerce of India, many of the Eastern banks might find it expedient to bring money home from India to strengthen their position. Such remittances could not be managed without considerable loss. Then there are the manufacturers who have exported goods to India. The value of those goods is due in rupees. The value of the silver in the rupee falls, and when exchanged for gold gives a worse price for the goods. Of the loss of the Government I need not speak again. There are the classes who suffer, or have suffered, by the fall of silver, and every credit should be given to the Government for having withstood the pressure of them all—the class of officials, the class of traders to India, the banks, and, above all, their own interests in connection with the sale of their bills. I believe we have escaped a real danger by the Government refusing proposals of which the full scope, I am sure, has never been thought out. To judge of these proposals it was necessary to recall the classes in whose favour they were made; but to judge properly of any remedies, let us be sure that we thoroughly understand the causes of the evils we wish to meet. How far are they temporary or permanent? How far are they natural or dependent on legislation?

Now, we have frequently heard that the excessive production of America has been the real cause for alarm; and I saw it recently stated that, compared with the production in America, the sale of the German silver could not be supposed to have had a material effect. I will examine the extent of these respective causes. I readily believe that the production of silver in America has had a

great effect on the minds of the dealers in silver; but it has been rather an effect on the mind which has been witnessed, than any excessive supplies of the metal itself. What are the figures with regard to these supplies from the United States? It is really startling, after the discoveries of the mines of Nevada, to look at the facts with regard to the amount of silver which has actually come to England. From 1871 to 1874, England imported in silver from the United States, £21,730,000, or, on an average, £5,000,000 a-year. From 1875 to 1878 the total net imports have been £8,200,000, or an average of about £2,000,000 a-year. The amounts in the years 1875-6-7-8, were respectively £3,090,000, £2,257,000, £2,315,000, and £532,000. In this last year, which exhibited the lowest amount, the gross imports were £1,615,000; but £1,083,000 was actually sent from the United Kingdom to the United States, leaving a balance imported from the United States of little more than £500,000. The significance of these figures is unquestionable. It is true, on the other hand, that a certain amount of silver went direct from the United States to Japan and China; but, nevertheless, an examination of the documents presented to the House show that the exports of silver from America have been less during the last few years than they were before. On the other hand, I observe, and the fact should not be neglected, that in the first five months of this year there has been an increase, as compared with former years, in the amount coming from the United States; and I particularly wish to state this fact, as I am anxious to avoid producing any bias in the minds of anyone with regard to the future course of the silver market. What I feel bound to do, after all that has been said about the production of the United States, is to call attention to the remarkable figures which I have quoted. Let me go back for one moment to the Committee of which I was Chairman in 1876. We expected that the production of the year 1876-7 would be £9,000,000. It turned out to be £7,000,000; but in the following year it was £9,000,000. Hon. Members have doubtless seen, with regard to the most recent dates, statements in the public papers on the subject of the scale of the production of the Comstock Lode, and those extraordinary mines which in 1876

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excited so much attention. It appears that in the present year the produce of these mines is distinctly decreasing; but I have no special information upon this part of the case. What I have wished to bring to the notice of the House is this, that hitherto—though it may not continue to be the case—notwithstanding the large production in the United States, very small supplies have come to these shores. The main part of the produce of the United States silver mines has been used for coinage purposes in the United States themselves; but if production in these mines continues on the scale which we have witnessed hitherto, I should think it very doubtful whether the United States will be able to continue to use all the silver they produce, and, if not, it is clear that exports may re-commence on a large scale.

I now turn to Germany, where the situation has been exceedingly remarkable, and I will place such facts as are in my possession before the House. I wish that more facts were known and accessible to the public. The German Government has been exceedingly reticent. It has been most difficult to extract anything from them; and, to my mind, they have pursued a short-sighted policy in supplying as little information as they possibly could. They have doubtless done so in the vain hope of preventing speculators acting against them; but the result has been constant alarm, much of which might possibly have been avoided if the truth had been told. There has been no reticence on the part of any other Government. At the Conference held in Paris, and in which I took a part, Representatives of nearly all the Governments of Europe were perfectly open, both as regarded information on the position of silver in their countries, and as regarded the policy of their respective Governments. But the German Government refused to be represented, even though they were assured that nothing would be asked from their Representatives beyond a statement of facts, and that in no other way would they be compromised. The absence of full and authentic information with regard to the silver question in the German Empire seems to me a public misfortune.

I will now proceed to state to the House the progress of the demonetization of silver in Germany, and the sale

of their silver, so far as it can be ascertained. The total coinage in Germany before the late reforms was about £90,000,000. It was estimated that possibly one-third of the existing coinage might have vanished—that is to say, £30,000,000—which, deducted from the £90,000,000, would have left a total of £60,000,000 to deal with. An amount of about £20,000,000 was required for re-coinage, leaving £40,000,000 for sale. Of this amount £6,000,000 had been sold at the time when the Committee on the Depreciation of Silver sat in 1876, so that there remained about £34,000,000 which might come upon the market. This, however, was at that time considered quite a maximum estimate. The Committee, after a most careful inquiry and examination of the various estimates submitted to them, stated that those estimates ranged between £8,000,000 and £30,000,000. But what has been the result? Since that date the German Government have actually sold £26,000,000, which, added to the £6,000,000 sold before, makes a total of £32,000,000 already sold by the German Government. These are stupendous figures as compared with the £2,000,000 per annum which we have received latterly from the United States. But the more interesting question is, what has the German Government still got to sell? On the estimate that after provision for re-coinage had been made, there remained £40,000,000 to sell, as £32,000,000 have been already sold, there would only remain £8,000,000. But what is stated now? Reference has already been made by the hon. Member for Bolton to the letter from Lord Odo Russell, in which it is said that the German Government has £10,000,000 for sale, and that the amount is likely to be increased by the one-thaler pieces not yet withdrawn. The hon. Member for Bolton is unable to understand this figure, as, considering the very large amount of one-thaler pieces still in circulation, and considering the official documents presented to the German Parliament at the beginning of this year, it is difficult to make this statement of Lord Odo Russell's informant square with the other facts. Now, those facts appear to be these. An official publication submitted to the German Parliament stated that about 7,000,000 lbs., withdrawn from circulation, had been

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sold or prepared for sale, and that there remained about 380,000 lbs., a sum which I presume would be worth about £1,700,000. The same document estimated that there might be in circulation, after making the deductions for coins which had vanished in the course of time, about 117,000,000 thalers, a sum equivalent to about £17,500,000. This memorandum would, therefore, show that at the beginning of the year there was in stock, ready for sale, silver to the amount of about £1,700,000, and thaler pieces which might be called in, but which were still circulating, to the amount of £17,500,000. An examination of the published figures had led it to be generally supposed that the amount of silver which would probably come upon the market would not be more than from £12,000,000 to £14,000,000. But I can now state that I have received a letter from a high authority in Berlin, informing me that the Government have £10,000,000 in ingots in their hands for sale, and this without making any deduction in the estimate of the thalers still in circulation. This confirms the statement of Lord Odo Russell; so that, on the one hand, we have the official documents showing that the Government had about £1,700,000 for sale at the beginning of the year; and, on the other hand, the statement that they have £10,000,000 in ingots for sale. I can only see one possible explanation of the apparent discrepancy. I have been informed that of the large amount of thaler pieces in circulation, 60,000,000 are in the hands of the Imperial Bank. This is equal to a sum of £9,000,000; and this, with about £1,700,000 in ingots—since reduced by some sales—which the Government admitted to have in their hands at the beginning of the year, would give about £10,000,000 which they could sell at any time they pleased. But in this case, of course, the 60,000,000 thalers—equal to £9,000,000—would be deducted from the thaler pieces in circulation. However, I only put this as a speculative explanation, and I hope Her Majesty's Government may be able to clear up the question.

One thing is perfectly certain—there is a considerable amount of silver still in Germany, and the question is, what are the German Government going to do? I have received a very distinct and categorical assurance from a high authority

that the German Government do not intend to make any further sales of silver. One reason probably is that they have pitched at too low a figure the requirements of the German nation with regard to the small coinage. They have fixed it at 10s. per head, and, I believe, in doing so, they have been influenced by the amount of shillings per head which experience has shown to be necessary in England. But it does not follow that if this amount is sufficient in one country, it is, therefore, sufficient in another. The differences in the social habits of various countries produce differences in the amount of subsidiary coin required. For instance, in this country, the use of cheques limits the requirements of small coin; and, again, the system of paying tradesmen's books every week or every month economizes the use of silver to a great degree, as compared with the German system of marketing for cash almost every day. It is, therefore, perfectly intelligible that the 10s. per head may not be an adequate sum for German requirements. I believe I may add that I shall be correct in saying that the Germans do not think that they have made a particularly good bargain by the transfer of their old gold currency into the new currency, and that there has been possibly some hesitation in Berlin as to whether, all other silver coins having been called in, they should further call in and demonetize the old one-thaler piece which is still in circulation. Certainly, it is possible that we may be approaching the end of the crisis in the silver market which has been produced by Germany.

There remains one serious matter to be considered, to which allusion has already been made, and that is the question of the power of India to absorb silver. This is the only point with respect to which I find myself unable to agree with my hon. Friend the Member for Bolton, who seemed to doubt the capacity of India for such absorption. For what are the facts? What does the House suppose has been the amount of silver actually imported into India since the Report of the Committee of 1876 appeared? In the year 1876-7 the net import of silver into India was £7,200,000; in 1877-8, £14,700,000; and in 1878-9, £3,970,000; or more than £25,000,000 sterling in three years. Going back to 1870-1, I find that the

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net import was only £940,000; in 1871-2, £6,500,000; in 1872-3, £705,000; in 1873-4, £2,450,000; in 1874-5, £4,600,000; in 1875-6, £1,600,000. It will be seen, then, that in the three years previous to the last three years, the total imports of silver into India were only £8,500,000; while, during the last three years, they amounted to £25,000,000. Now, what may appear astonishing at first sight, but not at second sight, and what may interest those who are interested in statistical curiosities, is this—that £26,000,000 worth of silver was precisely the amount which has been sold by the German Government during the period in which India has taken the £25,000,000; so that India has been able to absorb, or compelled to absorb, almost the whole of the amount which has been sold by Germany. It is possible, of course, that a large amount of silver may have been remitted from England to India, and may still be held there on English account; but, on the other hand, it is quite as possible that there has been some withdrawal of capital from India to this country, in consequence of the panic created by the fall in exchanges. I think I ought to add that the gross amount of silver imported into India during the last three years has been £30,000,000; and nearly the whole of the £5,000,000, the difference between that sum and the £25,000,000 which I named before, has been distributed over China, Japan, and other silver-using countries, a portion of it having been sent to Ceylon. It has, in fact, been taken by the East.

Now, I wish to know whether, looking at the question as it ought to be looked at—from a broad point of view—the House will think it necessary to stop the operation of natural causes by arresting their action in favour of dangerous remedies? The course of nature has been carrying the silver of Germany into India and the East. Let me call the attention of the House to one circumstance. In 1876, we—the Committee who sat on the depreciation of silver—examined most minutely into the whole facts of the case. The information which we received with regard to facts has, in many instances, turned out misleading and inaccurate, while the deductions which we made from the natural laws of political economy have proved

in all respects to be correct. The late Mr. Bagehot, that eminent economist, whose loss we all deplore as a calamity to the country, placed all the circumstances of the case before the Committee with prophetic instinct, or rather, I should say, not with instinct, but with science; and he explained how it was a mathematical certainty that Asia must continue to absorb silver to an unlimited extent. The Committee recognized that, owing to the immense increase in the Council drafts, India would have to take either less silver, or less commodities. They also saw that only £1,500,000 had been sent from England to India in the year previous to that in which they were appointed. Nevertheless, it seemed to them a matter capable of absolute demonstration that this was only a temporary circumstance, and that the natural correction to the fall of silver was its distribution over those vast areas where its price could but slowly subside. The result has proved the entire correctness of the forecast.

I have shown how silver has poured into India, and has stayed there. There may be, at this moment, a temporary cessation of the demand—but that is not to the point. The question ought not to be looked at from month to month; but as there has been a flow of silver into India, so silver will continue to flow. As long as the Mints in India are left open, every bar of silver in London represents, if I may use the expression, so many potential rupees. So long as a bar of silver in India will purchase any commodities, so long as silver remains a legal tender, and so long as the Mints are open to silver, the market must be sustained as long as India and the East retain any purchasing power whatever. I could easily illustrate to the House how India could be compelled to take silver; and it is, too, an absolutely incontrovertible proposition that the low price of silver must stimulate her exports, while it discourages her imports. I can give the simplest possible illustration of the way in which exports are stimulated. Suppose a man to have £2, with which he desires to buy a quarter of wheat. Before the fall in silver, those £2 might have been turned into about 20 rupees for purchase of wheat at Bombay, and into \$5 for purchase in the United States. With those \$5, or with those rupees, he would, subject to differences of quality, or of

cost of transport, have been able to buy, let us say a quarter of wheat, either in New York or in Bombay. But the price of silver has fallen, and the £2 will now realize 25 rupees instead of 20. It is assumed that prices in India have not risen. Whether that proposition is tenable, I will not at the moment discuss; but this assumption lies at the root of all the remedies that have been proposed. Well, if the price of wheat has not risen at Bombay, the buyer would still be able to buy the quarter of wheat as before with his 20 rupees, as he would still be able to buy a quarter of wheat for his \$5 in the United States; but his £2 have given him 25 rupees; consequently, he has 5 rupees over, if he buys in India, as compared with buying in the United States—a state of things which, under the laws of competition, must at once correct itself. A competitor would be content with a profit of 4 rupees, and would give 21 rupees for the quarter of wheat. Another competitor would raise his bid to 22 rupees, and still be better off than buying elsewhere. These competitors will either give more gold for silver—that is to say, silver would rise—or else they would give more rupees for the wheat—that is to say, prices would rise in India—and exporters and producers gain. This is one illustration of the natural laws which, in my judgment, will ultimately supply a remedy for the present situation.

But artificial and immediate remedies are suggested, which would, in fact, counteract and absolutely neutralize the natural remedies. Some persons, frightened at the absence of a temporary demand for silver, proposed to introduce a gold currency in its place. Nothing could be a greater mistake. Look at the enormous silver currency of India, and consider what would become of it. It is said that a portion of the silver would have to be sold; but who is to buy it? Those who recommend this plan continually forget the difficulty of finding a buyer. If, after the steps which some nations have already taken in Europe to introduce gold instead of silver into their currencies, India were to be added to the number of countries who were sellers, instead of purchasers, of silver, what country could possibly be expected to buy the surplus stock thus thrown upon the market? It is clear there would be no buyers for such vast amounts.

But, again, what does the introduction of a gold currency into India imply? It means that gold, which, it has been said, has now been appreciated in value in Europe, is to be still further appreciated by being introduced into a country where the great bulk of the population do not wish to use it at all. Of all the schemes which have been suggested, this seems to me to be the one of which it is most difficult to follow the reasoning. To send gold to India just at the time when it is almost inconveniently appreciated in Europe, is to expose India to the evils of an appreciated currency in order to rescue her from the misfortunes of depreciation. The one evil might prove to be greater than the other. I object, then, to any plan that would shut the door to silver, by substituting a gold currency. In my view, the rectification of the market ought to be brought about by the natural flow of silver over its natural area, and that area is the East.

But consider a further argument. I believe that it is for the interest of commerce generally, not only in India, but in Europe, that the great aggregate of the world's commercial transactions should be based upon silver and gold together, rather than that it should rest upon gold alone. Monometallists make a great mistake when they endeavour to convert all nations to the use of gold only. They allow the argument of uniformity to outweigh the argument that these variations are more likely to occur upon the small quantity of gold than upon the larger aggregate quantity of gold and silver together. Look at the historical relations of the two metals from the earliest times. I hold it to be a wrong policy to attempt to dethrone silver where silver still reigns supreme. But let me not be misunderstood. I am in favour of gold and silver being left to continue to perform the aggregate work of currency together; but it is a perfectly different thing to say, as the bimetallicists say, that those countries which have a gold currency now ought to supply themselves with a silver currency as well.

But here is another difficulty as regards the introduction of a gold currency into India. At what proportion ought you to start? Is the new currency to be introduced into India at the old rate of 1s. 10½d., or at the present rate of 1s. 8d?

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The difference is enormous. The one alternative would entail a vast amount of injury in the case of contracts, and be ruinous to debtors; the other would involve enormous loss to the Treasury. For my part, I urge the Government to do nothing until they are quite certain that the abnormal and temporary causes have been exhausted and have disappeared, and they have only natural causes to deal with.

I have heard of other ingenious combinations, which aim neither at maintaining a silver currency nor at establishing a gold currency, at least for the present; but which propose to put into the hands of the Government powers by which, from time to time, they would regulate the exchanges by limiting the currency. On behalf of mercantile interests, I entirely demur to placing such a power in the hands of Lord Lytton, or Sir John Strachey, or any other Indian Viceroy or Financial Secretary. I prefer the vagaries of the precious metals to the vagaries of Legislative Councils. Or, is silver, as some suppose, to be only a "limited legal tender in India?" Remember the ignorant masses of India. Let the House call to mind how, in the case of Scotland, it would create almost a revolution, if we were to attempt to abolish the £1 note. Populations cling with the greatest tenacity to the currency to which they have been accustomed—and can we mean to try an immense experiment of this kind upon the Native population of India? Fancy introducing into India a "limited legal tender!" It might, indeed, be even difficult to translate the phrase into Hindustani—but what suspicion and distrust might such an arrangement not produce? The labourer would receive his wages in silver; and, when he took his coins to make payment of rent or of taxes, he would be told that they could not be received, as they were only "limited legal tender." To try such an experiment with an uncivilized population would surely be as absurd as it would be dangerous.

If I am asked myself what I would do under the circumstances, I would distinctly reply, in the first instance, that I would leave natural causes alone. I would leave them to work out their own effect to the full; and, when the temporary and abnormal causes were exhausted, if I then saw that natural causes still left the

situation such as to create embarrassment in the Budgets of India, owing to the fall in the value of the coin in which taxes were paid, coupled with the obligation to make large payments in gold, I should then consider it to be the duty of the Indian Government to look thoroughly into their receipts and expenditure, to revise the system, and to adjust it to the altered price of the rupee—for a new price there would certainly be. The final depreciation of silver must mean a rise in the price of commodities which that silver is to buy. Let the House remember the illustration of the hon. Member for Bolton (Mr. J. K. Cross) as regards the opium sales. Let me give another illustration. The Home charges include interest for the guaranteed railways to the amount of about £4,500,000. If silver settles down at a price showing a great depreciation, and a general rise in prices, then it would be perfectly just to raise the tariffs of the railways in proportion to the increase in price of other commodities; and, by such a revision, the Government would gain in one way what they lost by the payment of the interest in gold. I give this merely as an illustration of the mode in which expenditure would have to be revised. But, however this may be, whatever financial measures it may be necessary to take with a view to establishing a financial equilibrium, I deprecate measures which would tamper with the currency of India, which would tend still further to depreciate silver, and to close the avenues to its use, and that at a crisis when we should rather see how we could further open the door to silver in the East, where, from the remotest times, it has always been required; and I deprecate also, in the strongest manner, measures which would leave the management of the exchanges in the hands of any Government. I am glad to congratulate Her Majesty's Ministers for having had the firmness to resist the proposals of the Indian Government on the subject of the currency—proposals which ought never to have been made.

MR. BALFOUR, as a Member of the Departmental Committee which had sat to consider the proposal of the Government of India with respect to the currency, wished to say a few words on that subject. It was clear, then, in the first place, that all the schemes which had

been proposed as remedies for the evils which had been referred to, and especially that of the right hon. Gentleman the Member for the University of London (Mr. Lowe), were based on an artificial, instead of a natural currency in India. They attempted to establish a currency whose value should depend, not on natural causes, but on the action of the Government; and they ran counter, therefore, to the opinion of all the authorities on the question who were of the least weight. It was only on grounds of the utmost gravity that the principle of a natural currency should be departed from, and then only when it was conclusively shown that the remedy would completely cure the evil sought to be removed. Now, what was this evil? The right hon. Gentleman the Member for the City of London had said that it consisted in extracting from an impoverished population an extra £3,000,000—the £3,000,000, namely, which were required to make up the difference between the number of rupees required to pay the Home charges when the rupee was at 2s., and the number required when the rupee was at 1s. 7d. If it was true that the Indian taxpayer would, in the long run, have to pay this additional charge, no doubt, any scheme which, in the long run, promised to relieve him of it would deserve respectful consideration. But it was a mistake to suppose that any fall in the value of the rupee could have such an effect. The burden which taxation in any country threw on the taxpayer might be estimated—could, indeed, only be estimated—by the proportion of the produce of his toil which he had to hand over to the Government. The fact that more rupees were required (owing to the fall in silver) to pay the gold debt, did not in the least show that more of such produce was required to pay that debt, and did not consequently show that the Indian taxpayer would have to undergo more sacrifices in order to meet his liabilities. It was true that he would have to pay more rupees; but the very circumstances which produced this state of things would provide him with more rupees wherewith to pay. He maintained that as long as the products of India retained their existing ratio in relation to gold, it was impossible that the taxpayers of India could suffer by a depreciation in the value of the silver coinage. On the con-

trary, he maintained that the fall in the value of silver would lighten, instead of increasing, the burdens of the taxpayer of India, because India had a silver debt; and while the loss on the gold debt would in the long run be only nominal, the gain on the silver debt would be real and substantial. He would not, however, under-rate the great difficulties which the present state of things threw on the Government of India. Those difficulties were extremely grave, but they were only administrative difficulties. They embarrassed the Indian Government, because they compelled it to alter the incidence of taxation, and to re-distribute its taxes. Moreover, a great amount of uncertainty was thrown into all anticipations of Revenue, and it was impossible to frame a Budget that could be depended on. He was not surprised, therefore, that every Indian financier should grasp at any remedy for such a state of things. But every historical example of a currency artificially managed, and in the hands of a Government, showed that a currency of this kind was subject to fluctuations of an extremely violent character. If, then, the object of the Indian Government was to obtain certainty in their calculations, that object would not be attained by adopting a currency depending on the caprice of men rather than on natural causes. Considering, therefore, that the evils to be remedied were by no means of the serious kind sometimes imagined, and also that such evils as existed would probably not be remedied by any interference with the currency, he thought that Her Majesty's Government had done wisely in rejecting any scheme of the kind, whether it was that proposed by the Indian Government, or that proposed by the right hon. Member for the University of London. Turning now from the question of the exchanges to the speech of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), he observed that though this was full of gloomy anticipations, yet that the only part of it in which he understood the right hon. Gentleman to have attacked the financial policy of the Government was that which related to the cotton duties. He had listened to the arguments of the right hon. Gentleman on that point with extreme surprise. The right hon. Gentleman indignantly asked "What sort of country it was

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The difference is enormous. The one alternative would entail a vast amount of injury in the case of contracts, and be ruinous to debtors; the other would involve enormous loss to the Treasury. For my part, I urge the Government to do nothing until they are quite certain that the abnormal and temporary causes have been exhausted and have disappeared, and they have only natural causes to deal with.

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been proposed as remedies for the evils which had been referred to, and especially that of the right hon. Gentleman the Member for the University of London (Mr. Lowe), were based on an artificial, instead of a natural currency in India. They attempted to establish a currency whose value should depend, not on natural causes, but on the action of the Government; and they ran counter, therefore, to the opinion of all the authorities on the question who were of the least weight. It was only on grounds of the utmost gravity that the principle of a natural currency should be departed from, and then only when it was conclusively shown that the remedy would completely cure the evil sought to be removed. Now, what was this evil? The right hon. Gentleman the Member for the City of London had said that it consisted in extracting from an impoverished population an extra £3,000,000—the £3,000,000, namely, which were required to make up the difference between the number of rupees required to pay the Home charges when the rupee was at 2s., and the number required when the rupee was at 1s. 7d. If it was true that the Indian taxpayer would, in the long run, have to pay this additional charge, no doubt, any scheme which, in the long run, promised to relieve him of it would deserve respectful consideration. But it was a mistake to suppose that any fall in the value of the rupee could have such an effect. The burden which taxation in any country threw on the taxpayer might be estimated—could, indeed, only be estimated—by the proportion of the produce of his toil which he had to hand over to the Government. The fact that more rupees were required (owing to the fall in silver) to pay the gold debt, did not in the least show that more of such produce was required to pay that debt, and did not consequently show that the Indian taxpayer would have to undergo more sacrifices in order to meet his liabilities. It was true that he would have to pay more rupees; but the very circumstances which produced this state of things would provide him with more rupees wherewith to pay. He maintained that as long as the products of India retained their existing ratio in relation to gold, it was impossible that the taxpayers of India could suffer by a depreciation in the value of the silver coinage. On the con-

trary, he maintained that the fall in the value of silver would lighten, instead of increasing, the burdens of the taxpayer of India, because India had a silver debt; and while the loss on the gold debt would in the long run be only nominal, the gain on the silver debt would be real and substantial. He would not, however, under-rate the great difficulties which the present state of things threw on the Government of India. Those difficulties were extremely grave, but they were only administrative difficulties. They embarrassed the Indian Government, because they compelled it to alter the incidence of taxation, and to re-distribute its taxes. Moreover, a great amount of uncertainty was thrown into all anticipations of Revenue, and it was impossible to frame a Budget that could be depended on. He was not surprised, therefore, that every Indian financier should grasp at any remedy for such a state of things. But every historical example of a currency artificially managed, and in the hands of a Government, showed that a currency of this kind was subject to fluctuations of an extremely violent character. If, then, the object of the Indian Government was to obtain certainty in their calculations, that object would not be attained by adopting a currency depending on the caprice of men rather than on natural causes. Considering, therefore, that the evils to be remedied were by no means of the serious kind sometimes imagined, and also that such evils as existed would probably not be remedied by any interference with the currency, he thought that Her Majesty's Government had done wisely in rejecting any scheme of the kind, whether it was that proposed by the Indian Government, or that proposed by the right hon. Member for the University of London. Turning now from the question of the exchanges to the speech of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), he observed that though this was full of gloomy anticipations, yet that the only part of it in which he understood the right hon. Gentleman to have attacked the financial policy of the Government was that which related to the cotton duties. He had listened to the arguments of the right hon. Gentleman on that point with extreme surprise. The right hon. Gentleman indignantly asked "What sort of country it was

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The difference is enormous. The one alternative would entail a vast amount of injury in the case of contracts, and be ruinous to debtors; the other would involve enormous loss to the Treasury. For my part, I urge the Government to do nothing until they are quite certain that the abnormal and temporary causes have been exhausted and have disappeared, and they have only natural causes to deal with.

I have heard of other ingenious combinations, which aim neither at maintaining a silver currency nor at establishing a gold currency, at least for the present; but which propose to put into the hands of the Government powers by which, from time to time, they would regulate the exchanges by limiting the currency. On behalf of mercantile interests, I entirely demur to placing such a power in the hands of Lord Lytton, or Sir John Strachey, or any other Indian Viceroy or Financial Secretary. I prefer the vagaries of the precious metals to the vagaries of Legislative Councils. Or, is silver, as some suppose, to be only a "limited legal tender in India?" Remember the ignorant masses of India. Let the House call to mind how, in the case of Scotland, it would create almost a revolution, if we were to attempt to abolish the £1 note. Populations cling with the greatest tenacity to the currency to which they have been accustomed—and can we mean to try an immense experiment of this kind upon the Native population of India? Fancy introducing into India a "limited legal tender!" It might, indeed, be even difficult to translate the phrase into Hindustani—but what suspicion and distrust might such an arrangement not produce? The labourer would receive his wages in silver; and, when he took his coins to make payment of rent or of taxes, he would be told that they could not be received, as they were only "limited legal tender." To try such an experiment with an uncivilized population would surely be as absurd as it would be dangerous.

If I am asked myself what I would do under the circumstances, I would distinctly reply, in the first instance, that I would leave natural causes alone. I would leave them to work out their own effect to the full; and, when the temporary and abnormal causes were exhausted, if I then saw that natural causes still left the

situation such as to create embarrassment in the Budgets of India, owing to the fall in the value of the coin in which taxes were paid, coupled with the obligation to make large payments in gold, I should then consider it to be the duty of the Indian Government to look thoroughly into their receipts and expenditure, to revise the system, and to adjust it to the altered price of the rupee—for a new price there would certainly be. The final depreciation of silver must mean a rise in the price of commodities which that silver is to buy. Let the House remember the illustration of the hon. Member for Bolton (Mr. J. K. Cross) as regards the opium sales. Let me give another illustration. The Home charges include interest for the guaranteed railways to the amount of about £4,500,000. If silver settles down at a price showing a great depreciation, and a general rise in prices then it would be perfectly just to raise the tariffs of the railways in proportion to the increase in price of other commodities; and, by such a revision, the Government would gain in one way what they lost by the payment of the interest in gold. I give this merely as an illustration of the mode in which expenditure would have to be revised. But, however this may be, whatever financial measures it may be necessary to take with a view to establishing financial equilibrium, I deprecate measures which would tamper with the currency of India, which would tend still further to depreciate silver, and to close the avenues to its use, and that at a crisis when we should rather see how we could further open the door to silver in the East, where, from the remotest times it has always been required; and I deprecate also, in the strongest manner, measures which would leave the management of the exchanges in the hands of any Government. I am glad to congratulate Her Majesty's Ministers for having had the firmness to resist the proposals of the Indian Government on the subject of the currency—proposals which ought never to have been made.

MR. BALFOUR, as a Member of the Departmental Committee which has sat to consider the proposal of the Government of India with respect to the currency, wished to say a few words on that subject. It was clear, then, in the first place, that all the schemes which ha

been proposed as remedies for the evils which had been referred to, and especially that of the right hon. Gentleman the Member for the University of London (Mr. Lowe), were based on an artificial, instead of a natural currency in India. They attempted to establish a currency whose value should depend, not on natural causes, but on the action of the Government; and they ran counter, therefore, to the opinion of all the authorities on the question who were of the least weight. It was only on grounds of the utmost gravity that the principle of a natural currency should be departed from, and then only when it was conclusively shown that the remedy would completely cure the evil sought to be removed. Now, what was this evil? The right hon. Gentleman the Member for the City of London had said that it consisted in extracting from an impoverished population an extra £3,000,000—the £3,000,000, namely, which were required to make up the difference between the number of rupees required to pay the Home charges when the rupee was at 2s., and the number required when the rupee was at 1s. 7d. If it was true that the Indian taxpayer would, in the long run, have to pay this additional charge, no doubt, any scheme which, in the long run, promised to relieve him of it would deserve respectful consideration. But it was a mistake to suppose that any fall in the value of the rupee could have such an effect. The burden which taxation in any country threw on the taxpayer might be estimated—could, indeed, only be estimated—by the proportion of the produce of his toil which he had to hand over to the Government. The fact that more rupees were required (owing to the fall in silver) to pay the gold debt, did not in the least show that more of such produce was required to pay that debt, and did not consequently show that the Indian taxpayer would have to undergo more sacrifices in order to meet his liabilities. It was true that he would have to pay more rupees; but the very circumstances which produced this state of things would provide him with more rupees wherewith to pay. He maintained that as long as the products of India retained their existing ratio in relation to gold, it was impossible that the taxpayers of India could suffer by a depreciation in the value of the silver coinage. On the con-

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which they had selected for their economic experiments?" and seemed to think that the poverty of India was a sufficient reason for leaving her without Free Trade. Then the right hon. Gentleman invited them to compare that with their conduct towards Canada, which, as he seemed to imply, we permitted to settle her own fiscal system, because we were afraid to meddle with her. Those were extraordinary remarks to come from a Free Trader like his right hon. Friend. They seemed entirely to misapprehend the nature of the Free Trade argument. When the right hon. Gentleman said India was so poor that we ought not to force her to adopt Free Trade, one might think that, in his opinion, Free Trade was a costly luxury. And when he said that we allowed our Colonies to adopt their own system and compelled India to adopt ours, one might imagine that Free Trade was an economic theory devised for the benefit of Great Britain, and which we propagated by force wherever we thought we might do so with impunity. Such arguments seemed to him to miss the whole point of the Free Trade doctrine. What was the essence of that doctrine, and why was it absolutely opposed to the imposition of differential duties? For this reason—that the result of such duties was that the unfortunate consumer had to pay a great deal more out of his own pocket than came into the Treasury from the tax on the article he bought, the difference going into the pocket of the manufacturer who was protected. But the poorer the country was the less it could afford so to subsidize the producer, and the more important was it to give it the boon of Free Trade. It was only a rich country that could afford to be Protectionist.

MR. E. STANHOPE said, he had a few observations which, with the permission of the House, he desired to make before the debate came to a conclusion, especially as during the two former nights of the discussion certain questions had been addressed to him, and several matters of a controversial character had been referred to in the course of the evening by his right hon. Friend the Member for Greenwich (Mr. Gladstone). His right hon. Friend had indulged in very gloomy anticipations as to the future of India, and, among other things, had pointed to the case of the

Bombay riots. He felt it his duty to state that the latest information which the Government had received upon this subject was, he was happy to say, that these disturbances had in them nothing whatever of a political character; and the opinion of those best qualified to judge was that there was nothing very serious about them to which it was necessary to attach importance. His right hon. Friend the Member for Greenwich seemed to think that India had within the last few years made a very much smaller improvement in its social condition than we had a right to expect, and, at the same time, he appeared to minimize the advance which had actually taken place. With regard to that, he could only say that trustworthy Civil servants who had spent the last 20 or 30 years in India, and had lately returned, were of opinion that there was nothing more remarkable than the changes which had taken place in the country during the last quarter of a century. There had, as they all knew, been an advance in education, and the material prosperity of the people, which although retarded, as it undoubtedly had been, by Famines, had in more recent times considerably advanced. His right hon. Friend seemed to think that since Her Majesty the Queen had been proclaimed Empress of India a very different condition of things had been brought about, and he suggested that not only the financial condition, but the financial legislation of India had gone to the better. With the permission of the House, he would touch upon two or three points to which reference had been made. In the first place, the right hon. Gentleman had condemned, in no measured terms, the War in Afghanistan. Well, the House and the country had decided the question; and by the brilliant success of the British arms we had obtained not only a strong Frontier on the North West of India, but, as the Government believed, the friendship of the Ruler of Afghanistan. His right hon. Friend had dwelt, also, upon the remission of the cotton duties, and appeared entirely to disapprove the action of the Government with reference to those duties; but he (Mr. E. Stanhope) had noticed that when a Motion upon this subject was brought forward by the hon. Member for Blackburn (Mr. Briggs) neither he nor any other right hon. Gentleman were in their

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places, and the House only now had it in on the authority of the right hon. Gentleman that he resolutely opposed the policy of Her Majesty's Government. He had asked why they had thought it necessary to remit any portion of the import duties in preference to the export duties? The reason was simple; the House of Commons had declared by a unanimous Vote that the remission should be first made in the cotton duties. Another conclusive reason was, that if they had to deal with the export duty on rice they would have had to supply the loss by making a provision to the extent of nearly £500,000; but by extending the exemption to a certain portion of the cotton goods imported into India, it was found that they could give specific relief to that portion of the trade which was seriously hampered by protective duties on imports by sacrificing £150,000 a-year. Again, his right hon. Friend appeared to think that during the time in which Lord Lytton had been in India, grave events had happened which placed the financial system in India in a worse state. Now, as far as he was able to judge, there was very little to support any such contention, although his right hon. Friend had managed to drag in every conceivable topic—such as the legislation with respect to arms and the Vernacular Press, and other matters of prejudice against the Government of India. The fact was that Lord Lytton and the Government of India had had to deal with a most exceptional state of things, for instance, with the terrible loss by exchange. They had also been obliged to contend with Famines; but, in spite of all this, what had they achieved? They had advanced in a very material degree the policy of decentralization happily commenced by Lord Mayo, which everybody would admit to be of the greatest possible advantage to India; they had equalized the tax on salt which previous financiers had desired to accomplish; and they had introduced enormous reforms into the import and export tariff of the country. That was a catalogue of services which would one day be fully recognized, but which his right hon. Friend did not think it worth while to notice in the view which he had taken of the financial situation. But he (Mr. E. Stanhope) believed that neither the House nor the country would desire to listen to any recriminations, and that they would look at the substantial propositions now

made by the Government, and consider them upon their merits. It had been a source of satisfaction that the policy of the Government had met with the general approval of the House of Commons. They would, no doubt, have very great difficulties with which to contend in carrying out a policy of reduction of Expenditure; but to that reduction that House as well as the Government were pledged; and when Lord Lytton entered upon that difficult task, he would have the gratification of feeling that he had the support not only of Her Majesty's Government at home but of the House of Commons, in the measures which he might introduce. At the same time, it was perfectly well known that everybody was ready to support economy in the abstract; but in matters of detail there was always a great difference of opinion. The right hon. Gentleman seemed to suggest that it was necessary to effect a reduction of annual expenditure to the extent of £4,000,000, and based this view of the case solely upon an opinion expressed by the hon. Member for the Elgin Burghs (Mr. Grant Duff) who, however, if he remembered rightly, had not put this forward as a thing which ought to be done, but as a thing which might possibly be done, because a considerable reduction was made some years ago. The policy which the Government had adopted was simply this—they would endeavour in every financial year to secure a *bond fide* surplus of £2,000,000 sterling, which, if it could be secured year by year, would, as the Government believed, place the finances of India upon a thoroughly sound basis. This was a proposition which had never been controverted, and, relying upon it, he asserted that the reduction indispensably necessary to secure the object in view was far less than that recommended by the right hon. Gentleman. Coming to the item of Public Works, the Government had been told that they were reducing the expenditure in a sort of panic; but nothing could be further from the real facts of the case. The policy of the Government was to lay down for their Public Works expenditure as definite a rule as possible; and they desired to fix the limit of Public Works expenditure at a sum which, in ordinary years, could be borrowed without any extraordinary disturbance of the money market. The

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hon. Member for Bolton (Mr. J. K. Cross), in his excellent speech, had objected to a reduction of expenditure unless there was a reduction of the Staff also. Undoubtedly, the latter would have to be reduced; that was an inevitable necessity. And, again, it was also unavoidable that a certain number of labourers in India should be thrown out of employment. They did not propose to make the whole reduction at once; but it would be made by the Government of India as opportunity offered. If the House should approve that policy, then in the Budget Statement of next year the whole amount to be taken for the capital expenditure on Public Works would be limited to £2,500,000. There was another point to which he must allude. It had been suggested that the danger of any such reduction as was now proposed was that there might be a disposition to stop necessary repairs; but, in his opinion, there could be no worse economy than such a proceeding. They must spend as much money as was necessary to keep the works which had been already constructed in proper repair; and as it was their desire to show a good balance-sheet, with regard to the works in question, they had the strongest motive for so doing. He next came to the Army, and would remind the House that the effect of the re-organization of the Army, effected by the Government of the right hon. Gentleman (Mr. Gladstone), was to throw increased charges on India. The Duke of Argyll, to his credit, protested against those increased charges being thrown on India, and, so far as he was concerned, did his best to prevent it; but he had no power in the matter, and the fact was, as had been pointed out on several occasions, that extra charges for the Army had been thrown upon India without the Indian authorities being consulted. The time, in his opinion, had arrived when some of those questions must be re-considered. As to the reduction of Army expenditure, the hon. Member for Hackney (Mr. Fawcett) had asked him the other day whether he could give some further account of what it was proposed to do; but he was sorry to say that he was not able to give him any full details on the subject. The hon. Member, however, was aware that this question, as well as that of the re-organization of the Indian Army, was about to be dealt with by a

Commission which would be appointed for that purpose. To that Commission important and definite instructions would be given; but with regard to its composition, he was unable at that moment to give any exact information. Some of the Members to be appointed were, however, known; and he need not say that a certain telegram, which had been forwarded from India, as to the composition of the Commission, was entirely without authority. But he trusted before long to give the House further information with regard to the subject, and to state fully what the construction of the Commission would be. Then the right hon. Gentleman said that he hoped the Government did not look for a small result. As he had stated on a previous occasion, they were led to believe by the Government of India that a very substantial result could be arrived at with regard to the Army expenditure, a result which, he trusted, would be fully realized at no distant date. Again, it was asked what was to be the effect of the changes which had taken place on the North-West Frontier of India upon the Army expenditure? Upon that subject he did not wish to give the House any statement of his own at the present time. Undoubtedly, expenses would be incurred; but, on the other hand that expenditure would, to a great extent, be compensated by the increased security to the North-West Frontier. He admitted at once, however, that some works would be necessary; for instance, the construction of railways on the Frontier of Afghanistan, some extension of which, at least in that direction, would be inevitable, and he felt sure the House would agree that if they could push on those very important works it would conduce very much to the security of our Frontier. With regard to the "cutting down" in the Civil Service, suggested by his right hon. Friend, the subject of reduction in this Department deserved grave consideration; but to use vague language about reduction appeared to him to be utterly useless, and calculated to inspire distrust amongst those who were likely to enter our service. If, however, the Government thought it just that a reduction should be made in the salaries or pensions, they would come down to the House with a specific proposition to that effect. Having indicated

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the other day their intended policy of employing a greater number of Natives than heretofore in the Civil Service of India, he was glad to assure the House that, in his opinion, when the actual proposal was seen, it would be found of great importance, and to offer to Natives a larger sphere of usefulness in the service of the country. Upon that subject Correspondence had been passing between the Secretary of State for India and the Indian Government, which would be laid upon the Table of the House; but, perhaps, he might be allowed to reserve his opinion whether they would be presented at the present stage, or their presentation deferred until the Correspondence was complete. His right hon. Friend had urged upon Her Majesty's Government to recommend that, as far as possible, Indian expenditure should be localized in India; and upon this point he might say that they had always instructed the Government of India to make as many contracts in India as possible; if these contracts could be made and paid for in silver, so much the better for them. The right hon. Gentleman had gone on to urge that some greater financial control, such as that which existed by the Treasury in England, was very desirable; but it would appear that, in so doing, he underrated the existing Financial Department in Calcutta, which subjected all schemes to the most rigid investigation, and in consequence of which it would probably not be far from the truth to say that it was as much disliked as the Treasury in this country. As for the scheme of financial control which the right hon. Gentleman had suggested, it was too grave a matter for him to express any opinion upon it off-hand; and he would, therefore, pass on to other points. First, there had been a great difference of opinion concerning the loss by exchange; and it was a fact that, while, on the one hand, the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) had said that this fall in silver was not the main difficulty to be contended with, the right hon. Gentleman the Member for the University of London (Mr. Lowe) thought that immediate steps should be taken to remedy it. The hon. Member for Bolton (Mr. J. K. Cross) had said that the Government exaggerated their loss by exchange, inasmuch as they took no ac-

counts of the gain they experienced in consequence of the increased amount received for opium. He was scarcely prepared for the point raised by the hon. Member, but the fact, if it were true, ought to appear in the opium Returns; but he found that while they used to get £133, £138, and £139 per chest for their opium, since the silver difficulty they had been receiving for the years 1875-6, £125; for 1876-7, £128; for 1877-8, £132; and for the year 1878-9, which was an incomplete year, £143 per chest. With the last single exception, which would not, when the Returns were complete, prove to be one, the price of opium per chest was lower since the fall in silver than it was before. The reason for the gain upon opium was that the sales had increased from 45,000 to 55,000 chests a-year. Passing from that point, the hon. Member for Bolton had urged upon the Government that they ought to have given a good forecast of what was likely to happen with respect to the demand for silver.

Mr. J. K. CROSS: I said a forecast as to the amount of silver you will have to sell in future.

Mr. E. STANHOPE said, he had certainly understood the hon. Member in a different sense; but with regard to a forecast of the future, such a feat was certainly beyond the limited powers which he possessed, and the speech of the right hon. Gentleman the Member for the City of London showed how difficult it would be to attempt to make one. One event alone, the suspension of the sale of silver on the part of Germany, had entirely changed the aspect of affairs. It remained for him to thank the right hon. Gentleman the Member for the City of London, with the greater part of whose speech he cordially agreed, especially for his sympathetic expressions with regard to the Indian Government in the present conditions of affairs; he had pointed out great difficulties, but had made the fullest allowance for them, and had, at the same time, attempted to remedy them. It was a gratification to know that in the anxious and important crisis of affairs in India, the decision of the Government to make no change in the currency was supported by the opinion of that House. It appeared to him that the increase of the Home charges was the greatest difficulty in their financial arrangements; and he

could not help thinking that there was some inconsistency in that part of the speech of the hon. Member for Bolton where he urged upon the Government, first, the propriety of reducing their Home charges, and then the necessity of borrowing, not in India, but in England. He (Mr. E. Stanhope) quite admitted that, financially speaking, a great deal might be said on both sides of this question. It might be right to borrow in England, and it might be right to borrow in India, upon purely financial grounds; but he thought the political grounds were conclusively on the side of borrowing in India at the present period; and if they were to reduce the Home charges, they must, undoubtedly, endeavour to reduce their borrowing in England. Hon. Members had listened to a very interesting and exhaustive debate, extending over three nights; and he took the opportunity of reminding the House that the Government had already given up two nights for the purpose at an early period of the Session, for which reason, among others, he trusted that there might be no further delay before going into Committee.

Question put, and agreed to.

ACCOUNTS considered in Committee.

(In the Committee.)

MR. FAWCETT said, that after the long debate which they had had that evening, he did not desire to offer any opposition to the passing of these formal Resolutions; but he did hope that before the Budget was agreed to the Under Secretary of State for India would give them more specific information than had yet been given. Throughout all the speeches which they had had that evening, and especially in the speech of the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), which had produced so great an effect, the cardinal point which had been dwelt upon was the reduction of expenditure upon the Army. At present, however, they were without specific information as to what course the Government was going to take upon that point. It seemed to him that the utmost economy in Public Expenditure in India was desirable, and he took that opportunity of giving the Under Secretary of State fair warning that the greatest possible dissatisfaction would be felt, and that there would be the greatest and most serious re-

action, if it was found that the only economy practised had been in Public Work and that nothing was done to reduce the Army expenditure. He, for one, he the opinion, which, he thought, was shared by everyone who had devoted any attention to Indian finance, that it was absolutely impossible to place the finances of India in a satisfactory condition unless the present expenditure of the Army was reduced by at least £3,000,000 a-year. And a reduction like that could not be expected unless some fundamental change were made. They ought, too, to be told by the Under Secretary of State for India that there was no truth in the telegram that had appeared in some of the journals purporting to come from India, to the effect that this Commission, upon the appointment of which they had been asked to report, was going to be a Commission consisting of three Commanders-in-Chief in India and one civilian. One of the first reflections that would occur to any one looking at India was that the very first step in the reduction of Military expenditure should be the abolition of the three separate commands in Calcutta, Madras, and Bombay. Were that done, it would be an illustration of the old adage, "a penny wise and a pound foolish." Yet it had been stated, in a telegram from a person in India, who was generally found to be in close communication with the Government, that it had been already suggested by the Viceroy that the Commanders-in-Chief in Madras and Bombay should report upon this Commission. It would be found that the recommendations of a Committee framed in that manner would extend to economy in everything save Army expenditure. There was another point connected with this of cardinal importance, and upon which that House had a right to expect some information—namely, as to whether the Commission which was going to be appointed would be charged to inquire into changes connected with Army organization, or only with the expenditure connected with the Army in India. He asked the Under Secretary of State to give them some information upon that point; for he felt that if there were to be a sufficient reduction and saving made in the Expenditure of India, it must be done by reducing the present excessive Army expenditure. For these reasons

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he pressed for some definite information upon the points he had named.

MR. E. STANHOPE said, that he would give all the information that he had it in his power to do at present. But it was not in his power to give any definite idea of what the Commission to be appointed would do except that it would deal generally with the organization and expenditure of the Army in India. The telegram to which the hon. Member for Hackney had alluded, that the Commission would consist of the three Commanders-in-Chief, was not true. The statement that the Home Government would limit the reduction in any way was also not true. The Commission would enter into all questions connected with the organization of the Army. There were, however, many questions affecting it which the Commission in India could not properly have brought before it, and they would be reserved for inquiry in this country. So far as he was aware, all questions affecting the organization of the Army in India, which would properly fall within their cognizance, would be brought before that Commission.

SIR GEORGE CAMPBELL observed, that it had been stated upon the evidence of two civilians, who had been 25 years in India, that a very great improvement had been effected in that country both in the administration and the material condition of the people. He considered that to say that the material condition of the people had been improved was begging the whole question. No doubt there had been very great changes effected in the face of the country in respect of railways and public works, and many other matters. As regarded the physical conditions, in many ways there had been very great improvement. But in respect to the material condition of the people, he must say that, having passed the greatest part of the last 35 years in India, he still considered it quite matter of doubt as to whether any improvement had taken place. They had seen it asserted that the people of India, so far from having been improved in their material condition, had been vastly impoverished. That statement he believed to be wholly exaggerated; but he thought there had not been anything like such a palpable and evident improvement in the material condition of the people as his hon. Friend the Under

Secretary of State for India would have them believe. It had been put to them by the hon. Gentleman that this improvement had been clear and undoubted; and he only said these few words by way of caution, and to express his opinion that there was really doubt whether any such improvement in the material condition of the people of India had taken place as was stated. This matter seemed to him to be one which should be carefully considered before they came to a hasty conclusion.

MR. ONSLOW would remind the Committee that, a few years ago, evidence was given by the Governors and Lieutenant Governors of India upon this question of the material condition of India. One and all of those officers stated it as their opinion that the material condition of the people of India had vastly improved under our administration. They also said that great changes had been made in the direction of material progress in India, and that ever since they had been in India the improvement had been going on. He merely wished, on this occasion, to urge upon the Under Secretary of State for India the vast importance of this Commission which was to be appointed. Was it to be a sham Commission or was it to be a real one? They had expected that there would be some material reduction in the expenditure upon the Army, and they desired to see appointed on that Commission gentlemen of the Army and civilians who would thoroughly go into the matter and sift the whole thing. There were political questions to be considered, and many other topics; and he would urge upon the Under Secretary, and upon the noble Lord the Secretary of State for India, the importance of appointing men upon the Council of the Commander-in-Chief of each Presidency who thoroughly understood the whole question. He was one of those who agreed with the hon. Gentleman the Member for Hackney in considering that only one Commander-in-Chief was required in India; and, therefore, he thought that this Commission should be composed of practical men who thoroughly understood the organization of the Indian Army. After what had taken place in that House it was to be expected that the whole matter would be thoroughly gone into. A great reduction was required, especially in the

matter of the Army, and they ought to have an assurance that this Commission would not be a sham but a reality, and that men would be appointed upon it who thoroughly understood every phase of the administration of India. He would like to say, however, a few words with regard to what had been stated as to the plan to employ the Natives of India in the administration. That was a very important subject; and he hoped that before any plan was adopted it would be laid before that House, and they would be enabled to express an opinion upon it. It was a very serious thing to employ the Natives of India to a large extent in the administration, and, if done at all, it must be done in a very gradual manner. He therefore trusted that no step would be taken until the plan had been fully laid before that House.

MR. LAING wished to point out, with reference to the statement of the hon. Gentleman the Under Secretary of State for India as to the expenditure upon the public works, that it had been laid down as a principle that some works were to be remunerative, and some were to be unproductive. He did not think that the Government had sufficiently realized the fact that they could never cut their Budget down so long as they spent money upon public works which were not authorized by the condition of the Indian Revenues. Within the last eight or ten years there had been an expenditure of upwards of £20,000,000 sterling upon works which had been, so far, utterly unproductive. By the last official Returns, the revenues received from these so-called remunerative works had only amounted to the sum of £2,000 per annum. That was the amount of the receipts upon an outlay of £20,000,000; in other words, that expenditure had been utterly unproductive, and the receipts had been only sufficient to pay for the working expenses. It was not sufficient merely to call works productive with the vague hope that they would produce some revenue, and such a hope did not warrant them in making such an expenditure. It was not sufficient to say that the finances of India were in so flourishing a condition that they could go on spending money so long as they could borrow it in India. There ought not to be a single penny spent upon these works unless they had the assurance that they were going to get a return for their money. But, for the

last 10 years, they had been going spending money upon works which made no return whatever; and they must fairly face the fact that they had made an utterly unproductive expenditure, and that the money spent had been lost just as much as if it had been bestowed upon the ordinary Civil or Military expenditure of the country. With regard to the Commission, if he might venture to express an opinion upon it, it was that—that they should put it in the power of the Commission to limit the expenditure of the Government of India to a certain point. It was no use telling the Commission to find an item here or there which might be cut down. They should be instructed that the Expenditure of the country was to be reduced to a certain limit. What they wanted was to put their coat according to their cloth. It should be stated that they must reduce their Military expenditure below a certain figure in order to suit their finances, and the Commission should be instructed to prepare a scheme by which they might get the best Army in India for the money which they could afford to pay for it. He was sure that nothing could be done if the military authorities were merely directed to cut down an item here or there.

MR. C. BECKETT-DENISON would not detain the Committee many moments, but there were one or two subjects upon which he should like to take that opportunity of making a few observations. He would be in the recollection of the Committee that during the last few years and upon almost every occasion on which the Indian accounts had been discussed, very great stress had been laid upon the importance of reducing the expenditure upon the unproductive public works of India. He held in his hand a melancholy record showing an expenditure of £6,500,000 upon barracks in India. He believed that there was a sort of idea that a very large portion of that expenditure had been unnecessarily laid out. There were one or two instances which he would quote, which would illustrate very well the way in which money had been unnecessarily and wastefully spent. In the first place, there were some barracks at Allahabad which had cost £250 for each man accommodated. 150 miles due north of these barracks in the same Province, there were other barracks where the expenditure

was £130 per man instead of £250. There must be some reason for this enormous disparity in the cost. There were other instances of the same sort of thing. There was a sanatorium built at a place in the Upper Himalayas for a regiment of troops which cost £130,000. The sum was large, but still it might be a proper expenditure; but they found that a road had been constructed to this sanatorium—a military road of 70 miles in length—of which the cost had been £237,000, or £3,000 a-mile. He asked whether that was an expenditure which was really wise under the present circumstances of India. He thought that the reason for it was that someone in a position of authority had been enabled to enforce his ideas in the Military Council of India, and, as a consequence, money had thus been recklessly spent. In his opinion, it was this enormous source of expenditure, going on from year to year utterly unchecked, which brought India into these financial difficulties which they all so much deplored. He did not believe, either with regard to the remunerative public works of India, or the unremunerative public works, that there was any reason whatever why they should not assume that there was a very large ground for economy. He was afraid that the Commission, of which they had heard that evening, would be one to inquire into the Military expenditure, and would not inquire into the expenditure upon military buildings. It was to be feared that the expenditure on these matters would be outside the reference made to the Commission; and, if so, he saw no reason why the expenditure should go on unchecked in the future as it had in the past. There was, in the present year, a new Estimate for £500,000 on account of Public Works. No doubt it was a small sum compared to other amounts that had been spent; but it was considerable in its way. He did hope that the Commission which was to sit in India would not be deprived of the opportunity of inquiring into every branch of the Military expenditure. It had been stated before in that House that there were but two Departments in India in which it was absolutely necessary to practise economy, and those were the Public Works and the Army in all its branches. He would remind the Committee that the expenditure upon the non-effective Army Services in India were, at the pre-

sent time, £2,000,000 a year. That was a scale of charge for non-effective Services which was utterly without parallel in any Army in Europe. The reason for that expenditure was in the changes that took place when India passed under the Imperial Government, and enormous claims were made for compensation by officers who retired, or were seconded, or what not. The late Lord Sandhurst pointed out that the non-effective charges for the Army in India, which in his days scarcely came up to £1,000,000, would in a few years be doubled, and his words had been verified by the result. He hoped that this point, also, would not be lost sight of by the Commission, and that the attention of the House would be seriously given to every branch of the useless and unjustifiable expenditure now going on in India.

MR. MARK STEWART said, that he had heard his hon. Friend the Under Secretary of State for India state the very large amount of Revenue which was derived from the opium traffic in India. In calling the attention of the Committee to this branch of the Revenue, he did so because he considered it one of the most important sources of revenue in India, and if it failed, they would be in a far worse position than they were now. But there were undoubted signs that that revenue, which was always so fluctuating and precarious, might undergo very serious diminution. China was now growing large quantities of opium in opposition to the importation from India, and a very hostile spirit had been evinced both by the Chinese Government and people against the import of Indian opium. Therefore, either by the increased cultivation of opium in China, or by the entire prohibition of the import of Indian opium into China—in both those two ways the revenue might be seriously diminished. Considering that this was the second largest source of revenue they had in India, it was but right that the country should know all the facts in discussing this question. Yet, he had observed that in almost every speech made upon this subject, there had either been no notice taken of this precarious revenue, or it had been treated slightly as of no great moment. Having made these few observations, he would not trouble the Committee at any further length upon the subject at that time.

Resolved, That it appears by the Accounts laid before this House that the Ordinary Revenue of India for the year ending the 31st day of March 1878 was £51,795,866; the Revenue from Productive Public Works, including the Net Traffic Receipts from Guaranteed Companies, was £7,173,435, making the total Revenue of India for that year £58,969,301; that the Ordinary Expenditure in India and in England, including Charges for the Collection of the Revenue, for Ordinary Public Works, and for Interest on Debt exclusive of that for Productive Public Works, was £55,147,832; the Expenditure on Productive Public Works (Working Expenses and Interest), including the payments to Guaranteed Companies for Interest and Surplus Profits, was £7,364,556, making a total Charge for that year of £62,512,388; that there was an excess of Expenditure over Income in that year amounting to £3,543,087; and that the Capital Expenditure on Productive Public Works in the same year was £4,791,052.

House resumed.

Resolution to be reported upon *Monday* next.

EAST INDIA LOAN (£5,000,000) BILL.
(*Mr. Raikes, Mr. Edward Stanhope, Mr. Chancellor of the Exchequer.*)

[BILL 197.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Edward Stanhope.*)

SIR GEORGE CAMPBELL hoped that the right hon. Gentleman the Chancellor of the Exchequer would allow the debate upon this Bill to be adjourned. He begged to move that the debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Sir George Campbell.*)

THE CHANCELLOR OF THE EXCHEQUER trusted that the House would now pass the second reading of this Bill. There were various questions raised, no doubt, by the Amendments put down; but there would be plenty of opportunities when a full discussion could take place. He would remind the House of the late period of the Session at which they had now arrived, and how absolutely necessary it was to press on Bills.

SIR DAVID WEDDERBURN said, he was willing to adjourn the consideration of the Amendment of which he had given Notice.

MR. ONSLOW thought they had had a very fair discussion on Indian finances—a discussion which had lasted over three nights. The Motion of his hon.

Friend the Member for Kirkcaldy (Sir George Campbell) went into the subject of Indian Revenue in considerable detail, and he hoped that he would now allow the Government to proceed with this stage of the Bill.

MR. FAWCETT remarked, that the £5,000,000 Bill had, to a certain extent, been the subject of discussion during the three nights' debate that they had had upon the Indian Budget. There might be one or two important questions raised affecting English and Indian finances in relation to the £2,000,000 Bill, and he wished to raise a distinct issue upon that. Very great demands were made at that period of the Session upon the time of private Members, and he thought that it would be fair for the Government not to press the second reading of the £2,000,000 Bill at that time.

MR. E. STANHOPE would not take the second reading of the £2,000,000 Bill then; but he hoped that the second reading of the Bill now under consideration would be passed.

SIR GEORGE CAMPBELL said, he would withdraw his Amendment, on the understanding that an opportunity for discussing the Bill was allowed at the next stage.

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* for *Monday* next.

COMMON LAW PROCEDURE AND JUDICATURE ACTS AMENDMENT BILL.
(*Mr. Waddy, Mr. Wheelhouse, Mr. Ridley.*)

[BILL 181.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

MR. CALLAN objected to the Bill being taken at that late hour. There were serious objections to the Bill which would need full discussion, and he begged to notice that 40 Members were not present.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members not being present,

Mr. Speaker resumed the Chair:—House counted, and 40 Members not being present,

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 13th June, 1879.

MINUTES.]—PUBLIC BILLS—*First Reading*—

Inclosure Provisional Order (Matterdale Common) * (107); Inclosure Provisional Order (East Stainmore Common) * (108); Inclosure Provisional Order (Redmoor and Golberdon Commons) * (109); Local Government (Ireland) Provisional Orders (Killarney, &c.) * (110); Local Government (Highways) Provisional Orders (Dorset, &c.) * (111); Local Government (Highways) Provisional Orders (Gloucester and Hereford) * (112); Local Government Provisional Orders (Aspull, &c.) * (113); Local Government Provisional Orders (Castleton by Rochdale, &c.) * (114); Metropolitan (Whitechapel and Limehouse) Improvement Scheme Amendment * (115).

Second Reading—Costs Taxation (House of Commons) * (99).

Committee — *Report* — Local Government (Ireland) Provisional Orders (Waterford, &c.) * (91); Public Health (Scotland) Provisional Order (Bothwell) * (92); West India Loans * (85).

Their Lordships met;—and having gone through the Business on the Paper, without debate—

House adjourned at half past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 13th June, 1879.

MINUTES.]—SELECT COMMITTEE—*Report*—Lighting by Electricity [No. 224].

PRIVATE BILLS (by Order)—*Select Committee*—*Special Report* — East Indian Railway [No. 226].

Third Reading—Lancaster Gas *, and passed.

PUBLIC BILLS — *Ordered* — *First Reading* — Inclosure Provisional Order (Whittington Common) * [207].

Select Committee—*Report*—Local Government Provisional Order (Cartworth) *.

Committee—*Report*—Customs and Inland Revenue [150].

QUESTIONS.

NAVY—THE LATE MR. W. FROUDE.
QUESTION.

MR. E. J. REED (for Mr. B. SAMUELSON) asked the First Lord of the Admiralty, Whether a suitable acknowledgment will be made to the family of the late Mr. W. Froude, F.R.S., of his great and gratuitous services to the Navy in investigating and determining the proper form of ships and propellers; and, whether arrangements will be made for carrying on the laboratory in which Mr. Froude conducted his investigations?

MR. W. H. SMITH, in reply, said, he had written to the hon. Gentleman who had given Notice of the Question asking him to postpone it. He could only say, at the present moment, that he cordially reciprocated the expression of acknowledgment due to Mr. Froude for the great and eminent services he had rendered.

GENERAL NATIONAL FUND FOR RELIEF OF FAMILIES OF SOLDIERS, SAILORS, &c.—QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether he will consider the desirability of a permanent general national fund being established for the relief of widows and orphans of soldiers, sailors, and marines who die in consequence of wounds and injuries received in the Services, and for increasing, under certain circumstances, the pensions awarded to men on discharge; and, whether the Government would recommend Her Majesty to issue a fresh Commission to the Commissioners' Patriotic Fund for the purpose of administering to a fund, such as above proposed, to take the place of those special funds to meet cases calling for unusual sympathy?

COLONEL STANLEY: Sir, in answer to the first part of the Question, I have to say that I have frequently considered whether it would be possible to establish a general national fund for the purpose named by the hon. and gallant Member; but I have never seen my way to take any practical steps in that direction without the fear of interfering prejudicially with charitable institutions which are doing their work well. With regard to the second part of the Ques-

tion, steps are being taken for the extension of the powers of the Commissioners' Patriotic Fund; but I am not able at this moment to say when the supplementary charter will be granted. It would, in any case, not be advisable to extend indefinitely such a supplemental charter. It might be extended beyond its present purposes; but it would not be wise to extend it indefinitely for all times.

ARMY REGULATION ACT—CASHIERED PURCHASE OFFICERS.—QUESTION.

GENERAL SHUTE asked the Secretary of State for War, If, in the event of a purchase officer being cashiered or dismissed from the service by sentence of court martial, Her Majesty has the power to direct that he be paid by the Army Purchase Commissioners the same amount to which he would be entitled on retirement of his own free will?

COLONEL STANLEY: Sir, to be strictly accurate, the award of the Army Purchase Commissioners would be made under the Act of 1871, and not under the direction of Her Majesty. If a purchase officer is dismissed the Service, or cashiered under sentence of court martial, the court has power to order that he shall forfeit all pecuniary interest in the value of his commission; but if, by the grace of Her Majesty, he is gazetted out of the Army, he may be permitted to receive the value of his commission if the Commissioners award him such value. In the only case which has occurred they have done so. I may add that this applies to the regulation value only, but as to over-regulation value, I am informed that no case has arisen; but it would be for the decision of the Commissioners, and they would probably take into consideration the terms of *The Gazette*.

FISHERY LAWS—VIOLATION BY STEAM TRAWLERS.

QUESTION.

SIR DAVID WEDDERBURN asked the First Lord of the Admiralty, Whether his attention has been directed to alleged infractions of the Fishery Laws on the part of steam trawlers off the eastern coasts of Scotland and the north of England, and to the want of efficient means for enforcing the law in those waters; and, whether he is prepared to

take any measures for the better enforcing of the Fishery Laws by despatching a gunboat to the north eastern coast or otherwise?

MR. W. H. SMITH: Sir, my attention has been called within the last few days to alleged infractions of the Fishery Laws by steam trawlers, and I have called for a report from the captain of the Coastguard ship at Hull on the subject. It is open to the owners of any boats whose nets are injured, in breach of the Fishery Laws, themselves to prosecute the parties in fault. A gunboat will be despatched to watch the proceedings of these trawlers if it is necessary to do so; but it is doubtful whether the Admiralty have any legal power to interfere.

MINES (COAL) REGULATION ACT, 1872—INSPECTION OF COAL MINES.

QUESTION.

MR. BURT asked the Secretary of State for the Home Department, Whether it is his intention to amend his instructions to the Inspectors of Coal Mines which as at present frame allow a certificated manager to have several mines under his charge, and authorise indefinite periods of absence from the mine on the part of such manager, while the Act itself, in section 26, requires "every mine to be under the control and daily supervision of a manager?"

MR. ASSHETON CROSS: Sir, this is a very important point to which my hon. Friend has called the attention of the House; but what I wish to impress upon him, in the first place, is this—that I have made no change in the instructions that have existed from the time of the passing of the Act of 1872. The principle of the instructions to which my hon. Friend refers is not new at all, but is copied verbatim from the instructions that were drawn up in 1872. I, of course, am not responsible for them; but I presume the Secretary of State drew them up for the purpose of insuring that the provisions of the Act should be carried out in the most practical way. The conditions necessarily vary, and the arrangements may vary also according to the size and other circumstances of the mine, but must in each case be such as to secure the real effectual supervision of the every-day

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working of the mine. If they fail to do so, the Secretary of State would feel it his duty at once to take steps to interfere. As a doubt has been raised, I shall cause the Question of the hon. Member and my answer to be sent to the Inspectors, in order to show that it is not the intention of the Secretary of State to interfere with the actual carrying out of the Act of Parliament in its full meaning.

ISLAND OF CYPRUS—PUNISHMENT OF PRIESTS.—QUESTION.

MR. JUSTIN M'CARTHY asked the Under Secretary of State for Foreign Affairs, Whether the Government have any authentic information with regard to the alleged infliction of a degrading punishment on two Greek priests in Cyprus by the orders of the English authorities in the island; and, whether, if such a punishment were inflicted, it has received the subsequent sanction of the Foreign Office?

MR. BOURKE: Sir, in answer to the Question of the hon. Member, I have to say that, according to the information at the Foreign Office, two priests were sentenced in due course of law by the local Court at Famagosta—one of them to seven days, and the other to one month's imprisonment. We have asked for a Report upon the subject, and that Report is, I believe, now on its way home. With regard to the second part of the Question, I do not think it is likely that the Foreign Office, unless they find that some irregularity has taken place, will interfere either to sanction or disapprove of the sentence that has been carried out in pursuance of the judgment of a Court of Law.

PRISONS (IRELAND)—RELIGIOUS DENOMINATIONS.—QUESTION.

MR. BIGGAR asked the Chief Secretary for Ireland, If he will give a Return of the average numbers of the different religious denominations in the several gaols of Ireland, with the salaries of the chaplains?

MR. J. LOWTHER: I believe, Sir, the Returns to which the hon. Gentleman refers will be found included in those promised the other day on the Motion of the hon. Member for Longford County (Mr. Errington).

ILLEGAL LOTTERIES.—QUESTION.

MR. ANDERSON asked Mr. Attorney General for Ireland, If his attention has been called to an illegal lottery that has been extensively advertised to take place in Dublin, on the 26th June, under the superintendence of the High Sheriff and other magistrates; if he is aware that the Law against lotteries makes no exception in favour of lotteries for good objects, those for the City of Glasgow Bank and the West of England Bank charities; having been at once suppressed by the authorities; and, if Irish magistrates are to be allowed to set this law at defiance, or if he will take steps to have this illegal lottery also suppressed?

THE ATTORNEY GENERAL FOR IRELAND (MR. GIBSON): Sir, my attention has been called by the Question to the bazaar and drawing of prizes advertised to be held in Dublin on the 26th instant. I am aware that the law against the advertising and publishing of lotteries does not purport to make any exceptions. I need hardly say that Irish High Sheriffs and magistrates enjoy no special immunities, and are in the same position as Scotch and English Sheriffs and magistrates. I think it is very probable that some of the gentlemen whose names appear in this advertisement did not read it attentively; and, indeed, I should not be surprised if some had not read it at all. The Crown and Treasury Solicitors in Ireland will, however, inquire into the circumstances of the advertisement referred to. I may add that I think lotteries for large sums of money, or for articles convertible into large sums of money, are open to much objection, and I hope that the public attention which has been called to this matter will be productive of good results.

SOUTH AFRICA — THE ZULU WAR — OVERTURES OF PEACE.—QUESTION.

SIR WILFRID LAWSON asked the Secretary of State for the Colonies, Whether the Government have laid before Parliament all the information which has been received concerning the overtures for peace which have been made by Cetewayo?

SIR MICHAEL HICKS-BEACH: Sir, in reply to a previous Question from the hon. Baronet, I think on Mon-

day last, I informed the House of all I knew as to the nature of the latest overtures made by Cetywayo and the terms of the reply sent by Lord Chelmsford. In a despatch received from Sir Bartle Frere within the last few days, I believe there are some inclosures relating to earlier overtures, which will be presented to the House on the first opportunity.

ARMY—THE FIRST CLASS ARMY RESERVE—VOLUNTEERS.—QUESTION.

COLONEL ARBUTHNOT asked the Secretary of State for War, Whether, in the opinion of the Law Officers of the Crown, men of the First Class Army Reserve, who may volunteer to rejoin the Colours, can be accepted; and, if so, whether any steps have been or are about to be taken to make this fact generally known; and, if, on the other hand, it is not competent for such volunteers to rejoin under the provisions of "The Enlistment Act, 1870," he proposes to introduce a short Bill amending that Act.

COLONEL STANLEY: Sir, at an earlier period of the Session, when the hon. and gallant Member for Sunderland (Sir Henry Havelock) asked a similar Question, I was obliged to answer that, as I was then advised, many of the First Class Army Reserve men could not volunteer to join the Colours except for a period of six months. The question was referred to the Law Officers of the Crown, and they had a further consultation with the Lord Chancellor, and, I believe, with other legal authorities; and it is now held that the section of the Act which was supposed to be doubtful does admit of those men volunteering to join the Colours. It is, therefore, proposed to take advantage of this interpretation to a limited extent. It is proposed to make this known by an Army Circular, which I hope will be issued in the course of a few days; and I may add, the number of men to which it is proposed to limit the volunteering will be such as still to keep the numbers within the total provided for by Parliament at the commencement of the year, so that it will not be necessary to ask for any Supplementary Vote.

COAL MINES—THE DINAS COLLIERY EXPLOSION.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If it has been reported to him by

the legal gentleman appointed to watch the coroner's inquest in respect to the loss of over 60 lives by an explosion of fire damp in the Dinas Colliery, South Wales, that the jury had found that though the manager had been deprived of his certificate for gross negligence and incompetency, after a thorough judicial investigation, he had still been continued as manager by the owner or agent, or both; and, if he intends to take any steps to punish the party or parties that committed an act which set at defiance the decision of a regularly constituted court?

MR. ASSHETON CROSS, in reply, said, the Coroner's jury had only just given their verdict in the case of this explosion, and he had not yet received the Report of the legal gentleman who attended the inquest on behalf of the Secretary of State. The course that it was proposed to take was this. If, on the Report of that gentleman, it appeared that legal proceedings ought to be taken against any person connected with the mine, he would at once proceed to take them. But there was one important point connected with the case, and that was that the explosion happened so long since, and the Coroner's jury had been so long in finishing the inquiry and giving their verdict, that the time limited by the statute, within which proceedings under the Act could be taken, had expired. In order to prevent such an occurrence in future, and to guard against those cases where, no death resulting, there was no Coroner's inquest, he proposed to introduce a short Bill to allow the Secretary of State to order a special inquiry in the case of mining accidents, in the same manner as he was empowered under the Act of 1875 to order special inquiries in case of accidents from explosive substances—a power which had been of so much benefit.

CRIMINAL LAW—CASE OF RYAN.
QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If it is the fact that a man named Ryan, who at the last Commission in Dublin was sentenced to nine months' imprisonment for causing the death of his wife, has recently been released by order of the Government, although an alleged accomplice of his is to be tried on that charge at the approaching Commission; and, if he can state the

Sir Michael Hicks-Beach

grounds on which Ryan has been released?

MR. J. LOWTHER: Yes, Sir, it is the case that a man named Ryan, convicted of manslaughter, was sentenced to nine months' imprisonment in Dublin; but after reference to the Judge before whom the case was tried, he was released by order of the Government, on the ground of ill-health. As to the case of Collins, I understand it was one in which the man was charged with an offence of the same character; but, as a matter of fact, not with being an accomplice with the other; prisoner, and he applied to have his trial postponed. That application was acceded to, and the trial, I believe, stands for the next Sessions.

PARLIAMENT — ARRANGEMENT OF PUBLIC BUSINESS.—QUESTION.

MR. W. E. FORSTER asked the Chancellor of the Exchequer, When the Education Estimates will be taken?

THE CHANCELLOR OF THE EXCHEQUER stated that the Government proposed on Monday to take Supply—the Army Estimates; that, as he had said before, in consequence of the peculiar position of the Army Discipline and Regulation Bill, they proposed to devote the other days of the week at their disposal to that measure; and that, therefore, they would not be able next week to take the Education Estimates, as to which, however, due Notice would be given.

MR. CALLAN asked the Chancellor of the Exchequer, for the convenience of Irish Members, When the Irish Estimates and the Scotch University Estimates will be taken?

THE CHANCELLOR OF THE EXCHEQUER: Not next week. I cannot say exactly when; but due Notice will be given.

ORDERS OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

METROPOLIS—LOCAL TAXATION.

MOTION FOR A SELECT COMMITTEE.

MR. BAILLIE COCHRANE, in rising to call the attention of the House to the

great increase of the Local Taxation of the Metropolis, while the Vestries failed to carry out any sufficient sanitary arrangements; and to move for a Select Committee to inquire into the powers of the Vestries and their administration of the funds at their disposal, said, that some of our most eminent statesmen had called attention to the government of the Metropolis. The noble Lord the present Prime Minister had made many eloquent speeches on the subject of the sanitary condition of the Metropolis; and the right hon. Member for Greenwich (Mr. Gladstone) had said, in 1858, that he anticipated the time when the principle of self-government would be applied in its fullest extent to the Metropolis. The question had, too, engaged the attention of Royal Commissions and Select Committees, and Bills had been introduced on the subject. As a matter for legislation it had engaged the attention of such men as Sir George Grey, Sir Cornewall Lewis, and Mr. Buxton. The last to direct attention to it with a view to legislation was the noble Lord the Member for Haddingtonshire (Lord Elcho), who urged the claims it had on the consideration of Her Majesty's Government. The necessity for a reform in the government of the Metropolis was increasing every year. The Registrar General informed the country that the population of the Metropolis was increasing at the rate of 75,000 per annum, and that, during the last seven years, 150,000 additional houses had been built within its boundaries. As Mr. Horton, in his valuable pamphlet, pointed out, the Metropolis was divided into 37 districts for the purpose of registration of births; into 56 districts for the duties of the Building Act; into 19 divisions for police purposes; into 13 County Court districts; into 15 Militia districts; and additional divisions for Inland Revenue, postal, and gas and water and Parliamentary purposes; so that a map of London must have 14 or 15 different boundaries to represent in each area the controlling powers. With this mere unorganized accretion of corporations, boards, vestries, commissioners, magistrates, and so forth, the administration of this Metropolis might very fitly be described in the words with which John Bunyan depicted the Valley of the Shadow of Death. It was, he said, "Every whit dreadful, being utterly without order." Comparing the

ment of the parish of Marylebone with that of Westminster, it would be found that the population of each was about the same. Marylebone parish collected £194,036; Westminster City, £194,031. Marylebone parish was managed by one vestry, and its administrative expenses were under £8,000 per annum; while the five boards of local management in Westminster cost nearly £20,000. These five boards employed 21 clerks and vestry clerks, six surveyors, four solicitors, nine officers of health, six inspectors of nuisances—all these officers being employed for the purpose of carrying out the provisions of the Metropolis Local Management Act. The gas and water supplies of the Metropolis were under the control of different Companies, who were hostile to each other. The result was that the water supply cost, according to the Registrar General, £1,283,000 a-year; whereas he asserted that it could be provided for £470,000 a-year. Moreover, each public gas lamp in London cost £4 10s. a-year, whilst in Manchester the cost was only £1 5s. Mr. Frith said the Gas Companies pretended that they had a right to a dividend of £10 per cent, and that in any scheme for purchase they must be paid at that rate, and that Londoners were precluded by legislation from supplying themselves. Now, the Gas Companies had funds which they called capital, which had never been investigated. And it seemed it was not capital at all; but on this the consumer was charged 10 per cent, and was even now paying 10 per cent, on the former ruinous competition. It was distinctly asserted that the Companies made £400,000 net profit on every £1,000,000 capital which Parliament permitted them to raise. The management of the Metropolitan Board of Works, he admitted, was admirable, and everything had improved since it was established in 1853, when there were 10,500 officials in London and over 150 vestries raising rates; but that was no reason why householders and ratepayers should be subjected to unnecessarily heavy burdens. He did not say that there was speculation; but, under the existing system, the ratepayers paid in some instances at least a third more than they ought to be called upon to do. It had been shown that the delay in traffic occasioned by the accumulation of snow, mud, and dirt

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in our streets involved a loss of at least £500,000. The condition of the fire brigade also demanded investigation. Whilst in Paris, with a population of 2,000,000, and in New York, with a population of 1,300,000, there were respectively 1,500 and 2,350 firemen, London, with her 4,000,000 of population, had only 406 firemen. There was a complete want of proper market accommodation owing to the absurd restrictions which prevented markets being established within, he believed, seven miles of the City. These and other evils he attributed to the system of vestries. The vestries fought amongst each other on questions as to the varying merits of wood pavement and macadam. In consequence of the vestry system, with all its anomalies, the state of the sewers and of the pavements in many districts was most unsatisfactory. He believed that one of the greatest evils of the present system was connected with the auditing of the vestry accounts. Some parishes were undoubtedly well managed in this respect; but he was credibly informed, for the information was based on a published document, that in some cases the auditors could neither read nor write. [*A laugh.*] That seemed an incredible assertion; but he made it on an authority that was open to any Member of the House, and if it was inaccurate he was not responsible. That document stated that no auditor could be relied upon carefully to examine parish accounts unless he could read and write, and that there were instances of the appointment of auditors who possessed neither qualification. The vestries made rates on the parishes, and declined to make satisfactory reports showing how the money they raised was expended. The vestries, however, were not slow in demanding that the action of other bodies should be inquired into. It was charming to find that they were fully alive to the faults of others, and anxious to see them corrected, although they must not be touched themselves. He held in his hand a printed paper headed "Relief of Ratepayers' Burdens," and it purported to be a

"Statement in favour of inquiry into the administration of funds in possession of the City Guilds."

It went on to say that—

"The vestries of London were recently invited, in pursuance of a resolution adopted by

the St. James's Vestry, to join in a Memorial to the Government, urging the necessity for inquiry into the condition and management of the property and charities of the several Metropolitan parishes and City Guilds."

The resolution above referred to ran thus:—

"That the several parishes in the Metropolis, the Corporation of the City of London, the Livery Companies of London, and other public bodies, now possess large funds available for educational purposes, for the relief of the poor, and for other public objects; and that, in view of the constantly-increasing burdens imposed on the ratepayers of the Metropolis by the Metropolitan Board of Works, the vestries, and the London School Board, in the carrying out of their varied and increasing powers, it is desirable for a full inquiry to be made, under the authority of a Royal Commission, into the character and circumstances of any such funds, in order to ascertain how far they may be rightfully directed to the relief of such ratepayers, and to all or any of the objects served by the several governing bodies and rating authorities of the Metropolis."

Now, the property of the City Guilds had been bequeathed for particular purposes; and although its value had, no doubt, greatly increased, it was doubtful whether that fact alone would justify an interference with the destination of that property. However that might be, the case of the vestries was very different. There the money spent was taken directly from the ratepayers; its amount was constantly increasing; and there could be no question of the right of the public to know and inquire into the manner in which it was disbursed. He now came to the charges which were made against the vestries. He would quote to the House some extracts taken from a printed paper issued by the Paddington Ratepayers' Association. If the statements there contained were incorrect, he was not responsible for them. This document said—

"There is a growing suspicion that the manner in which assessments are made, and rates expended, in some quarters calls for special investigation, and we believe that nothing short of such a step will give satisfaction to the public."

It continued—

"People will want to get at the particulars lying behind the gross amounts which are tabulated, and act, occasionally at least, as their own auditors; and if Parliamentary assistance be not afforded them for that purpose, it may be incumbent on them in their several parishes to appoint a local commission from their number to scrutinize vouchers, so that what is going on behind the scenes may be proclaimed on the housetops."

The paper went on to remark that, while pauperism and crime in the Metropolis were rapidly on the decline, there was no corresponding diminution in the burden of the rates; and that the inquiries made by independent residents of Paddington had revealed wasteful expenditure under various heads. It then added—

"The most entertaining and instructive portion is that which comes under the general rate account, and relates to 'refreshments.' The following particulars belong to one of many bills of the same description:—September 25. —Finance and Assessment Committees:—18 luncheons, £3 3s.; 17 dinners, £7 13s.; ale and stout, 7s.; sherry, £1 4s.; port, 18s.; hock, £4 10s.; cigars, 12s.; and dessert, 25s."

These were among the items of one dinner for the gentlemen who were spending the money of the ratepayers; and other refreshment bills were much of the same character. He asked whether those things were creditable to the local government of a great capital. Mr. Frith, in his admirable work on Municipal London, said that the government of the Metropolis was utterly without system, regularity, or order; that the ratings all differed, that there was no uniformity, and that in all things there was confusion and complication. Certain facts were very significant. In the last 19 years the vestries and district boards had not expended 18d. a-head in sanitary measures. The City had eight inspectors of nuisances, and St. Pancras had only one. The inspector for Chelsea reported that one-third of the houses infringed the sanitary regulations, and yet nothing was done to remedy the abuse. The cost of making roads in Mile End was £364 a-mile, while in Marylebone it was £1,200 a-mile. Again, the cost of watering streets was in Greenwich £50 a-mile; in Limehouse, £50; in Hackney, £15; in Mile End, £15; and in Whitechapel, £11. The cartage of dust and mud cost in St. Martin's, £70 a-mile; in Paddington, £67; in Greenwich, £65; in Limehouse, £23; and in Mile End, £19. On several previous occasions Bills relating to the government of the Metropolis had been introduced in that House; but they had not been passed. One measure was introduced by his noble Friend the Member for Haddingtonshire (Lord Elcho), who had done so much to bring this matter under the notice of the public; but he did not see how it was pos-

sible for any private Member to carry a Bill for the better management of the Metropolis. The City of London was, in many respects, most admirably managed, and his noble Friend proposed to extend the area of the City. That, of course, was a plan open to many objections. Then there was the idea of making the Parliamentary boroughs separate Municipalities with a supreme Council. Earl Grey, who always took great interest in this question, proposed, not a Royal or Parliamentary Commission, but a Committee of Her Majesty's Privy Council, partly of Ministers of the Crown, partly of the late Ministers. A Report by such a Committee would be invaluable. It would be brought under the attention of Parliament much more clearly, and would be more likely to command attention. This, his Lordship stated, was the course followed with the Bill in 1850 for extending representative government to the Australian Colonies. To-day he only asked the Home Secretary to appoint a Board of Auditors for the investigation of the accounts of all these vestries. If it should be shown by the inequality of charges in the accounts that the Metropolis was not well governed, then it would be the duty of Her Majesty's Government to introduce a measure for the better government of London. The hon. Member concluded by moving the Resolution of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire into the powers of the Vestries of the Metropolis, and their administration of the funds at their disposal,"—(*Mr. Baillie Cochrane*,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. THOMSON HANKEY had understood the hon. Gentleman the Member for the Isle of Wight to say that all he asked the Home Secretary to do was to appoint a certain number of Auditors to examine the accounts of these vestries. This, however, was not the object aimed at by the hon. Gentleman's Motion. The hon. Gentleman condemned the general management of the Metropolis, yet he seemed content to

accept only a modified means of remedy. He went further than the language of his hon. Friend, being of opinion that the general management of the Metropolis was simply abominable. It was a disgrace to such a large town as this that there should be so little uniformity and so little good management in the general arrangements. Still, he believed the vestries did their duty extremely well for certain purposes. What was required was a Central Body to be placed over them all. The Board of Works had not supplied the requirement, although he admitted that that body fulfilled its functions admirably in many respects. The town of Paris was managed quite differently from London. There were eight or 10 different departments; but they were all centralized in one department, called the Department of the Seine. As to the subject of fires they were strictly part of police duties. What were the duties of the police, if they were not for the protection of life and property? The police could render essential service in a fire long before the brigade arrived. It was a discreditable thing in the management of London that the fire brigade should be under the Metropolitan Board of Works. He did not say the Board did not do its best, but it had not the power. There was divided authority, and this was the case also with regard to the cleansing of the streets.

LORD ELCHO said, he thought his hon. Friend had done good service in calling attention to this important question—the proper government, or, rather, the mis-government, of the Metropolis. The mis-government was so patent that it was not necessary to dwell on the subject. They had got the vestries, but there was no control over them. His hon. Friend had pointed to the City of London. They had controlling power there, and things were better managed. On one occasion, when he complained to the Metropolitan Board of Works about a part of London where a terrible stench prevailed, owing to the streets not being watered, as was believed, he was told that the Board had no power. This seemed to point to one of three things—that his hon. and gallant Friend the Chairman of the Board (Sir James M'Garel-Hogg) ought to have more power given him; that he ought to be merged in some other power; or that he ought to be

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abolished altogether. Clearly he ought not to be left in his present state of impotence. He (Lord Elcho) did not think the Committee proposed by his hon. Friend (Mr. Baillie Cochrane) would be very useful; but the hon. Gentleman had made a very good practical suggestion—namely, that the Government should appoint Auditors to look after the accounts of the vestries. He would suggest that the Motion should be withdrawn, and that the Government should consent to the appointment of Auditors. They heard of the bottles of hock, champagne, and other wines consumed by the vestrymen. That alone required an audit, and the practical solution would be for the Government to appoint an audit of the different district accounts. It might be that the stories one heard were not true; it might be that there was no jobbery; and, in that case, it would be better for the vestries that Auditors should be appointed. If it turned out, however, that there had been waste, they would have good ground for legislation.

MR. SCLATER-BOTH said, the subject raised by his hon. Friend was a very important one, and one in which they were all interested; but he hardly thought the House would be prepared to appoint a Select Committee, such as was asked for, neither did he think the suggestion for the appointment of Auditors would command general assent. It was admitted that the Metropolis Management Act had effected a change for the better. A great deal had been said about the shortcomings of the vestries; but what were the district boards but a combination of parish vestries? Under the Act to which he referred, no less than 46 parishes were combined in 12 district boards, and a substantial change for the better was, no doubt, the result. He was not prepared to defend the vestries from all the charges made against them. Their powers were, to a certain extent, limited. In some respects they exercised their power very well, and in other respects the shortcomings of the vestries were considerable. As to gas and water, those were matters of so serious a nature that they had not been left to the vestries, but had been taken in hand by Parliament. Measures had been passed providing for the water supply and lighting of the Metropolis. A great deal might be said as to whether

the provisions of those Acts were adequate or not. It would be monstrous to enter into the question of the water supply in connection with the present Motion. The question raised by the present Motion was one of very great importance; but he should regard the extension of the City jurisdiction or the establishment of a new Centralized Body for control of the affairs of the Metropolis with some suspicion, and to establish such a body might prove to be a step in the wrong direction. He had taken some trouble to ascertain what had been the increased cost of the Metropolitan taxation, and he found it had not been so considerable as some persons supposed. He would, with the permission of the House, state what the increase of that taxation had been during the last 10 years. In 1869 the vestries spent £1,789,281, including payments to the Metropolitan Board of Works. In 1878, or 10 years later, the vestries spent £3,162,771; thus showing an increase in 10 years of about £1,400,000. But while the rateable value of the Metropolis in 1869 was £16,258,000, in 1878 it was £23,470,000, or an increase of £7,212,000. While the net increase of the vestry expenditure in those 10 years was £1,000,000, the following were the principal items of which that increase was composed:—Upon streets and highways the increase was more than £500,000, upon lighting it was £37,000, on payment to the Metropolitan Board of Works £131,000—the vestries now paid £500,000 out of their rates to the Metropolitan Board—and they now paid £500,000 to the School Board rates. The salaries to officers were £46,000 higher than in 1869; when they amounted to £71,000; while, in 1878, they amounted to £117,000. Loans and interest in 1869 amounted to £174,700, and in 1878 to £263,000, or a difference of £88,000. He did not think that the Government could do of their own accord what his hon. Friend asked, and he did not know that the House would support the Secretary of State if he made such a proposition.

SIR ANDREW LUSK asked the House to look at this matter in a fair and broad light. Charges had been made against the vestries; but it should be remembered that vestries were elected under an Act of Parliament, and by the same class of persons as elected Members of

Parliament, and if they did not do their work well, the members who composed them might be put out, and others elected in their place. People, no doubt, complained very much about vestries; but so they did about the Members of that House. The thing to do was to change them, and put in better men. He challenged hon. Gentlemen who spoke about the health of the Metropolis to compare it with that of any other city in the world. London was the largest city in the world, and among cities in point of health it stood perfectly unique. What was the use of coming down upon these poor vestrymen and talking about gas and water. The vestries had no more power over the gas and water of the Metropolis than hon. Gentlemen themselves had. When his hon. and gallant Friend (Sir James M'Garel-Hogg) attempted to take up the water supply he was most violently opposed by the Water Companies, and it would be the same with the gas. It was all the Companies, and if you touched them they would say you were attacking private property. No doubt, the rates were heavy; the School Board rate, for example; but the vestries could not help that. Parliament made the law, and the vestries had to carry it out and to find the money. So it was with the main drainage, the fire brigade, the police rate—which was now very heavy—and so on. It was most ungenerous, unhandsome, and undignified to say—“Oh, these are small men, tradesmen.” If they were small men and tradesmen, it was all the more to their credit that they gave a great deal of time to the public good. Hon. Gentlemen talked of the City of London, and spoke of it as a model. He knew something about the City of London, and, no doubt, it was very well managed; but it was very expensively managed. In the City of London there was more to pay than in the Metropolis generally. A good deal had been said about the state of the streets; but Oxford Street was as nicely kept and as clean a street as any in the world, and they had only to go to Marylebone to see streets as well watered, lighted, and cleaned as any in Birmingham, Glasgow, or any other city. It was easy to find fault with the government of the City of London; but it was of such enormous extent, and the interests involved were so vast and so diver-

sified, that he was not surprised that all Ministries were particularly chary in attempting to interfere with it. He had felt it only fair to say a word in favour of the vestries, which had a great deal of hard work to do, and, upon the whole, they did it in an admirable manner. As a rule, they had nothing to do with the expense incurred for luncheons and dinners and wines. The blame, if any, on that score attached to the Guardians; but Boards of Guardians were not peculiar to London, and why blame vestries? There was no mystery or secret about their proceedings, for their meetings were more open than the House of Commons. He quite admitted that the rates were increasing and becoming more onerous, and they could not be too cautious in imposing new burdens.

MR. C. BECKETT-DENISON said, that two years ago he gave Notice of a Motion for a Committee to inquire into vestry management, and especially into the paving, lighting, watering, and scavenging of the streets and houses of London. He had been unable to bring forward that Motion; but if he found encouragement from other Members of the House, he should be inclined to urge upon the House the desirability of appointing such a Committee. He did not think that a single word of blame or censure had been cast on the Metropolitan Board of Works, and very little, indeed, had been said against the vestries. It was not at all necessary to speak offensively or in a hostile manner against the vestries. As the hon. Baronet who had just sat down said, those gentlemen took upon themselves a vast amount of work for no remuneration, and they got a good deal of abuse, especially from people outside, who did not know how difficult their duties were. But he should despair of obtaining any improvement if they acted on the views of the hon. Baronet (Sir Andrew Lusk), whose maxim seemed to be, *quieta non movere*, and who appeared to think that the government of London, as it was, was the best possible government that could be, and that it could not be improved without additional expense and taxation. He (Mr. C. Beckett-Denison) was not of that opinion; but thought that in one or two respects there was a loud call for improvement and investigation. He referred especially to the watering and scavenging of the streets.

Sir Andrew Lusk

As compared with Paris or other European capitals, the watering of the streets of London was not what it ought to be. A friend of his, who took a great interest in the St. George's Vestry, had told him that the watering and scavengering of the streets of London was practically in the hands of a close monopoly. There were five or six men who tendered in turns to the various parishes. Ostensibly the competition was open; but the contractors had entered into a secret arrangement among themselves by which the contract was always relegated to the same hands. On Sundays the streets were not watered as on other days of the week; and when they considered that the masses of the population took their holiday on that day and visited the parks in immense numbers, they would at once see that on a hot Sunday afternoon, with the wind blowing, the state of the streets of London was a reproach to them. What was the remedy for this? He feared there was none, for the contractors would not allow their carts to go out unless in charge of their own men, and they would not send out their men; and as they would not do the work, no one could do the work which they refused to do. The watering of the streets of London was simply discreditable, and the same thing might be said of the scavengering. It was notorious that there was a regular system of blackmailing in connection with scavengering, and that no one could get his ash-pit cleansed without submitting to it. The result of this was absolute discomfort, uncleanness, and unhealthiness, which they were powerless to remove. It was all very well for powerful people, who could make their voices heard, to say that things were as good as they could be; but it was the poor and the small householders who were really affected. Without bringing any charge of corruption or abuse of authority against the vestries, there was certainly ground for inquiry whether it was not possible to bring about a better state of things. Without any hostility either to the Board of Works or to the vestries, he should, as he had stated, be inclined, if he found any encouragement, to renew his Motion for a Committee of Inquiry with respect to the two special points of watering and scavengering the streets.

MR. LYON PLAYFAIR observed, that the hon. Member for the Isle of

Wight (Mr. Baillie Cochrane) had introduced the subject in a very broad way, alluding to water supply, gas supply, sanitary arrangements, and so forth; but ended with a Motion which was limited to an inquiry into the question of the vestries and their duties. The great evil in regard to London was that the local government was very defective. Great works were distributed into the hands of a large number of different bodies, and there was no unity. He was, therefore, prepared to vote against the Motion, because it would take away their power to deal with the question in a more satisfactory way, especially when they remembered the Home Secretary's statement that the subject was so large that it would be the duty of the Government to take it up and consider it in all its aspects. But the Motion would throw the inquiry on the vestries, and would remove the responsibility from Parliament. He did not agree with the hon. Member for Finsbury (Sir Andrew Lusk) in the satisfaction he had expressed with the existing state of things. With regard to the water supply, for instance, in some places it was good; but he (Mr. Lyon Playfair) lived in a district which was supplied with water into which 750,000 people poured their excrements before he could drink it. They had been told that there would be another Session of the present Parliament. It would be a capital thing if the Government would deal with this question next Session. He would, therefore, suggest that as they were now getting into a state of things which so operated in the House as to produce the passing of but one Act a Session, the question of improvement in Metropolitan administration should be undertaken next year by the Government, which might thus signalize the last year of their reign by passing at least one comprehensive measure for the promotion of the health of the people. Should the hon. Gentleman withdraw his Motion, the House would be left free to consider a large scheme for Metropolitan local government.

SIR GEORGE CAMPBELL said, that they all grumbled at the cost of Metropolitan rates; but it was but fair to give the devil his due, and look at the results which they got for the rates. The Metropolitan rates also, he might say, had not been much raised for the

last 10 years. For instance, the total rating of Kensington, from the year 1870 to 1879, averaged 3s. 9d. in the pound; whereas, in the present year, the rating amounted to only 3s. 5d., a decrease of 4d. on the whole, although the charge for the Metropolitan School Board had increased from nothing to 5d., and the Metropolitan Board rate had also increased. He differed from the remarks of his hon. Friend the Member for Finsbury (Sir Andrew Lusk) as to the constitution of the vestries. He thought it required improvement. There was a want of a head and of responsible officers known to the public. As to the complaint that the management of parochial affairs was in the hands of small tradesmen, he thought that gentlemen had themselves to blame in that respect, because it was owing to their negligence that such was the case. If people wished to improve the management of their affairs, they should take a more active part themselves.

Mr. J. R. YORKE said, that this year he had been elected a vestryman for the City of Westminster, and he had been induced to become a member of the Board, not from any motive of public spirit, but from a feeling of curiosity. One heard so much of the working of these bodies that he desired to see the machinery from the inside. No doubt, the majority of those who composed the vestries were small tradesmen; but, considering the nature of the duties they had to discharge, he was not surprised that a great many gentlemen did not care to serve on them. They had to administer the greater portion of their funds under the direction of the Metropolitan Board, and the amount over which they themselves had control was very small. The hon. Member (Mr. C. Beckett-Denison) had stated that the dust was badly laid in the streets on Sundays; and he might say that he was a member of a Street Cleansing Committee for the City of Westminster, and, therefore, he could say that how the matter was done was thus—The contracts were drawn in general terms, the contractors undertaking to keep the streets in proper order under the vestry. The vestry could be set in motion by any ratepayer who chose to communicate with them; and when communicated with they summoned the contractor to produce his books, to show how often he

had watered certain streets; and if he was found guilty of neglect he was blown up. He himself had made a complaint that a particular road was not watered properly on the Sunday, and his complaint was attended to, and since then the state of things had been much better. If any hon. Member felt aggrieved in reference to the watering of the streets on Sundays, provided that hon. Member lived in his (Mr. J. R. Yorke's) district, and provided, also, that he would write a letter, he (Mr. J. R. Yorke) would, of course, do his best to see that the matter was attended to. About three autumns ago he was in London for a month, and the condition of the water was at that time intolerable, and it was extremely unpleasant to the nose. The water, he believed, came from the Chelsea Company. He took a sample to Professor Franklin and asked him to analyze it. The Professor told him that he had already analyzed water from the same Company, and showed him a long tube containing some of it, in which he noticed a large number of unpleasant-looking bodies in suspension. He asked would there be any use in filtering the water, but was told that it would be useless, because all the really deleterious matters were to be found in solution, and not in suspension; and, in fact, it was only a question between the thick and the thin turtie. He asked the Professor the nature of the thing, and he said that he found things in the water that led him to believe that they came from Surbiton. There had recently been a flood in that locality, and some of the contents of the cesspools of the place had been washed into the reservoirs. He had naturally since that time kept his eyes open to the quality of the water coming from the Chelsea Waterworks, and he had noticed whether there had been any extensive floods in that neighbourhood, so that he might not drink any more water than he could help. He thought the defence which the right hon. Gentleman the President of the Local Government Board had made for the vestries, that they were not responsible for a great deal of the charges laid at their door, was a just one. He would conclude by saying that if some arrangement could be made for a proper audit of vestry accounts, it would be a real and substantial improvement; and he hoped that, ere long, whenever there might be

Sir George Campbell

an opportunity of legislating upon the subject, it would be provided.

SIR CHARLES W. DILKE said, that, to his own knowledge, the hon. Member for Hackney (Mr. Fawcett) had been, from the commencement of the Session, endeavouring to obtain a night on which to call the attention of the House to the question of the water supply of the Metropolis, which was a very large question, and ought to be discussed by itself. The hon. Gentleman the Member for the West Riding of Yorkshire (Mr. C. Beckett-Denison), speaking of the watering of the streets, had told them that, in that respect, London was infinitely worse than Paris and other Continental cities. That was so; but then the streets in those cities were watered, not by carts, as in London, but by fixed hydrants; and this question should be discussed on the Water Supply Motion. It should be borne in mind that the population in foreign cities was much more densely concentrated than in London, owing to the practice of the people living in flats; so that the 12 arrondissements which constituted the older City of Paris, as contrasted with the outer ring of 8 arrondissements, were much less in area than the borough he had the honour to represent. Still, he believed considerable improvement had been made within the last few years. As to the paving of London, no one could say that it was all that it ought to be; but considerable improvement had been brought about. The existing boards were becoming alive to the question. As regarded the contracts for scavengering, several vestries had given up the practice of entering into them, and did the work for themselves. It had been said that the London vestries had no permanent officials; but he must say that the vestry clerks, as a rule, were well chosen and very able men, and generally they had served for a great number of years. He hoped that the debate would not close without there being a renewed assurance that the Home Secretary would go into the whole question.

MR. ASSHETON CROSS said, that, considering the terms of the Motion, they might conclude that they had discussed this question enough for all practical purposes. He quite agreed in the general view expressed in the Motion; but he was in this unfortunate position—that different views were en-

tertained with respect to what he said last year. One hon. Gentleman went so far as to state that he had distinctly promised that Government would take up the question and deal with it in the course of the present Session, and had called him over the coals for not having carried that promise to fulfilment; but, certainly, that was not the view of what he had said taken by the right hon. Gentleman the Member for the University of London (Mr. Lowe), who had, upon the occasion in question, complained that he had not made any definite statement upon the matter, but had treated it in a light manner as if it were a question of no importance. All he could say was that they were both mistaken. There was, however, no one more sensible of the importance of the question than he was; but then it was one which must be dealt with as a whole, and not in piecemeal. The hon. Gentleman the Member for Peterborough (Mr. Hankey) seemed enamoured of the one idea that the whole of the Metropolis should be included in the City of London. That was a startling proposition, so much so, indeed, that the hon. and gallant Baronet the Chairman of the Metropolitan Board immediately rose from his seat and left the House. If, however, the hon. Gentleman the Member for Peterborough would embody that proposal in a Bill, and submit it to the House, it was probable the hon. and gallant Baronet would remain in his seat and let the hon. Member understand that there were weighty objections to it. As regarded the reform of the City of London, it was a large and serious question, and had been considered by Committee after Committee and by Commission after Commission, which had, no doubt, collected a vast amount of material for Government to deal with, and such was its importance that no person but the Government should attempt to do so. There were, however, several minor points—minor points as regarded the main question, but still of great importance in themselves. Such was the watering of the streets, and such was the efficiency of the fire brigade; but both these questions depended upon a much larger one, which was that of the general water supply. He looked upon that as one of very great importance, for the water supplied for household use was in such a state that it ought to be

discontinued. There were a great many minor questions involved in this which ought to be dealt with at once, for he was not one of those who thought that if they could not at once carry some gigantic measure of reform they should not attempt reforms in detail. Besides the defective system of local government in the Metropolis, there was the defective system of vestry administration. He was glad to find that his hon. Friend the Member for East Gloucestershire (Mr. J. R. Yorke) had joined the vestry of his parish, for the great difficulty in the way of the system of local government by vestries was the inability to find gentlemen of ability and social standing to undertake the duties of vestrymen, where they obtained no honour, but had to undertake a great deal of work, and disagreeable work, for which they received no thanks. There was no doubt the nature of the election prevented gentlemen of that class seeking for seats on the vestry; and, therefore, he would at once remove every impediment in the way of obtaining the best men to serve. Some gentlemen were of opinion that the functions of vestrymen were small—they were small in one sense; but in another they were of the utmost importance, as upon them to a large extent depended the comfort, the domestic happiness, the health, and the daily convenience of the inhabitants. In the first place, it was the duty of the vestrymen to see that the house-drains were properly connected with the sewers; but he believed few of them took that trouble. [Mr. J. R. YORKE: They do not.] They had it, then, on the authority of a vestryman that they never did that duty. Again, as regarded the filthy state of the footpaths. The duty of keeping them clean rested with the occupiers of the houses forming the frontage; but if they neglected to do so, then it was for the vestries to step in and put the law in force by compelling them to do so. Then, as to the watering of the streets, he agreed that the system of watering in Paris was superior to theirs. But the watering of the streets and the efficiency of the fire brigade could not, he repeated, be well dealt with apart from the general question of the water supply. He did not wish to put aside that great question; but it would be irregular for him to deal with it until it came before the House as a whole. When the Motions on the

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Paper bearing upon these subjects were brought forward, he would be quite prepared to state the views of the Government upon them. He might add, in conclusion, that his hon. Friend had suggested one practical question which was well worthy of consideration, and that was, if they could not obtain a regular Government audit of vestry accounts. That was a subject which, in his (Mr. Assheton Cross's) opinion, must be dealt with before long.

MR. BAILLIE COCHRANE said, that after the discussion which had occurred he should, with the permission of the House, withdraw his Amendment.

Question put, and agreed to.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

RAILWAYS — RAILWAY ACCIDENTS — THE ADOPTION OF CONTINUOUS BRAKES.—OBSERVATIONS.

MR. BAXTER, who had on the Paper the following Amendment:—

"That, in the opinion of this House, it is now the duty of the Government to take such measures as may be necessary to secure, within a fixed and reasonable time, the application to all Railway passenger vehicles in the United Kingdom of Continuous Brakes which comply with the conditions laid down by the Board of Trade as essential to public safety;"

said: If the House will give me its attention for a short period, I think I shall be able to state a case so strong that if Members were not convinced, the fault must be with the exponent, and him alone. I think it is incumbent upon me to show to the House, in the first place, that the danger to which we are exposed in railway travelling, and from which the use of proper brakes would save us, is of sufficient importance to call for the interference of Parliament. I hold in my hand an analysis of the railway accidents which have taken place during six years. I find that, between 1870 and 1876, there were 1,234 accidents which were of sufficient importance to be inquired into by officials of the Board of Trade; and of these, 952, or nearly four-fifths, might have been prevented, or mitigated, at all events—so the gentlemen say who have looked into the matter—by the use of efficient brakes. The yearly average of accidents investigated was 176. This large number might have been reduced

by 136, in the opinion of the officials, by proper brakes having been used. Several of the accidents which have of late occurred have been of a very disastrous character. In one, at Wigan, 44 persons were killed or injured; at Skipton, 103 persons; at Norwich, 130; at Rip-ton, 72; at Armley Junction, 122; and at Newark, 59. The year 1877, as many hon. Gentlemen will remember, was a year singularly free from railway accidents. During that year 675 passengers and 176 railway servants were killed or injured by accidents to trains; and, applying to this year the proportion of the last six years, I have ascertained that in 1877 nearly 700 persons have sustained injuries by accident which efficient brakes might have prevented. In 1876 the numbers of killed and injured were over 1,300; in 1874 they were nearly 1,600; and the Board of Trade Returns just issued show the numbers killed and injured in 1878 were considerably more than in 1877—1,074 persons being killed or injured last year. I admit at once that these casualties, lamentable as they are, are inconsiderable compared with the enormous number of journeys performed each year—over, I believe, 600,000,000. But the House must keep in mind that the proportion of the public travelling habitually is small; and, therefore, the danger to which they are exposed is confined to a comparatively small number of individuals. I do not for one moment propose to complain of the general management of the railways of this country. On the contrary, when I think of the number of trains continually running, not only in daylight, but in the darkness—running, too, at an enormously high speed—I am filled with admiration at the organization, the skill, and the care which enable us to travel with only those dangers which we do now encounter. But whilst giving the Companies the utmost credit for the degree of safety they have obtained for us, I think the figures I have quoted show conclusively that there are still great dangers to life and limb for which it behoves us to adopt remedial measures. In the second place, it is my duty to show to the House, before inviting Parliament to compel Railway Companies to take such remedial measures, that the Railway Companies have been warned of the state of matters with sufficient urgency, and for a sufficient

number of years, to justify the interference of this House. Evidence on this point is very abundant, as the question is no new one. But I will only trouble the House with one or two instances. I have heard hon. Gentlemen say that we have not given the Railway Companies time enough. My answer to that is that as long ago as September, 1858, the Board of Trade issued a Circular, in which they say the amount of brake power then habitually supplied to trains was in most cases insufficient to prevent the occurrence of accidents, and it was essential to the safety of trains going at a high rate of speed that the engine-drivers should have power to stop the trains, having had notice of the obstruction of the line, before they reach the obstructed point. From that day to this, for 20 years, the Board of Trade has been continually knocking at the door of the Railway Companies to give sufficient brake power. I ask hon. Gentlemen do they not read with pain these Returns made every year of the number of casualties, carrying mourning and sorrow into so many homes, seeing that they might have been avoided had proper brakes been adopted? For 20 years the Board of Trade have been warning and remonstrating with the Railway Companies, and one would have thought they would by this time have given up the task in despair, and have called upon Parliament to assist them in enforcing what was required. The tone of remonstrance has now been superseded by one of threatening. This tone culminated in August, 1877, in a very significant intimation—one in which I most cordially approve. Last year was passed an Act which gave warning to Railway Companies that if they did not adopt a proper system of brakes they must be compulsorily interfered with. I have said enough to show that the Companies had warning sufficiently urgent and for sufficiently long a period of time to justify the interference of this House. Now, I am going to lay before the House the manner in which these warnings have been received, and to show the House what has been provided in this essential matter for the public safety. I take, first, the London and North Western Company. They use a brake, regarding which the Board of Trade wrote to the Company in March, 1877, in the following remarkable terms:—

"The Board of Trade desire me again most seriously to urge upon the Directors the necessity of re-considering their system of brakes. Inquiries and experiments have shown that there are brakes which fulfil the conditions mentioned in the Board of Trade Circular, and should the London and North Western Railway Company, after such experience as that afforded by the present case—an accident near Warrington Station, in which the brake was proved to be quite ineffective—hesitate to adopt an efficient continuous brake, and to issue and enforce such regulations as will insure its proper working, the confidence of the public in the earnest and anxious desire of the Company to do all that lies in their power to secure the safety of railway travellers will be at an end; and in the event of a casualty occurring which an efficient system of brake might have prevented a heavy personal responsibility would rest upon those who are answerable for such neglect."

But there is an opposition on the part of the London and North Western Company to give preference to a self-acting brake. At the recent half-yearly meeting, Mr. Moon, the Chairman, stated that the directors set their faces against self-acting brakes; and, further, that he did not believe any man in his senses would say they ought to risk their trains with a self-acting brake. That is a policy which has been most consistently followed by that Company. They have fitted 600 brakes since the Circulars of the Board of Trade were published, every one of which was not in accordance with these conditions. The London and North Western Company not only thought itself powerful enough to treat with absolute contempt and indifference the Circulars of the Board of Trade, but they flew at higher game, and defied the authority of this House. A Royal Commission was appointed in 1874, and reported in 1877 as follows:—

"We recommend that the Railway Companies should be required by law, under adequate penalties, to supply all trains with sufficient brake power to stop them within 500 yards under all circumstances."

Now, this was proposed by men who, according to Mr. Moon, are not in their senses; and he went further, and said Parliament dare not pass such a Resolution. The London and North Western Railway Company carry about one-tenth of the whole passenger traffic of the United Kingdom. The Queen and Royal Family go by it twice a-year to Scotland. Yet on this line they are habitually using a brake so inefficient that the Board of Trade warns the directors that "they incur a personal responsi-

bility by continuing to use it." This is a cogent reason for the interference of Parliament. Then, take the Midland Company, they use six different brakes, some of which are in accordance with the conditions of the Board of Trade, and some of which are not; but, surely, they should be uniform. The Midland Company go in for a large variety of brakes which, I believe, in the end will land them in great confusion and enormous expense. The Great Northern Company adopted a continuous brake at an early period, and showed that they were very enlightened in doing so; but, unfortunately, the brake does not conform to the conditions now laid down by the Board of Trade, and I cannot help thinking that it is unfortunate that the directors should go on making brakes which it is absolutely certain must be replaced very shortly. The Caledonian Company, I am sorry to say, as a Scotchman, have been experimenting with brakes for eight years without any result at all. The North Eastern Company intimated a year ago that they had adopted a brake which they meant to apply over all the system; but I do not find that they have succeeded in carrying out this excellent resolution. I have been informed—rightly or wrongly I do not know—that the Companies, believing that the Government intend immediately to legislate in the sense of the Resolution I have laid upon the Table of the House, have stopped the little progress which they have been making in the matter, and are waiting, with folded hands, to be delivered by this House out of a dilemma which is really painful, but from which, I believe, they are perfectly unable to extricate themselves. I think I have shown the little progress which has been made; but the most alarming fact is that this little progress has been in entirely a wrong direction. The larger proportion of the brakes fitted do not conform to the conditions laid down by the Board of Trade as absolutely essential to the public safety, and to the uniformity which is absolutely necessary. The money part of the question is a subject for the shareholders to decide; and it is time they should see that the majority of the Railway Companies are providing brakes which need not be renewed in a few years' time. But we have to deal with the safety of our countrymen and countrywomen,

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and if the Railway Companies do not conform to the rules and opinions of the Board of Trade it is time that Parliament should interfere. Just look at the position of other countries with regard to the matter. America is the most advanced of all countries in the adoption of these brakes. There is good reason for that, as most railways in the United States are unfenced. About nine or ten years ago, they began to use continuous brakes. So satisfactory did the plan turn out, that now three-fourths of the passenger vehicles in the United States are so fitted, and the question is being discussed whether they should be applied to goods trains. It is believed in the United States that in two or three years continuous brakes pay for themselves in preventing loss to property and life; and it is a remarkable fact that the Railway Companies find it utterly impossible to get engineers, stokers, or guards to take charge of any train which is not fitted with an efficient brake. I was told the other day, on good authority, that *employés* of railways in this country—engine-drivers, stokers, and guards—are unanimous in favour of the measure I now propose. In Canada these brakes are in use over half the railways. In Belgium the Government have adopted a brake which is now in use over all the Belgium State Railways. The facts with regard to France are very remarkable. France was very slow to take up this question. A year ago, scarcely a single train in France was fitted with a continuous brake; but now there are as many trains so fitted in France as in the United Kingdom, and they are proceeding at such a rate that they will outdistance us very soon. I will not trouble the House with facts concerning Germany, Austria, and some other countries. All are taking up the question with great interest. Our Australian Colonies and India are also discussing the question; and since I entered this House, I have been informed that the Board of Trade of Holland had recommended the Chambers to compel the Railway Companies of that country to adopt before the 15th of May, 1880, a continuous brake answering, in all respects, to the conditions laid down by the Board of Trade. England does not shine much in this matter, considering the time since we started railways and the wealth we have. What is the explanation of so

disappointing and unfortunate a result? I do not think anyone who has watched the progress of this question believes for one moment that Railway Companies have really set to work in earnest to meet the requirements of the Board of Trade in this respect, or the question would have been settled long ago. The jealousy of experts is very well known. Some of them have brakes of their own, and others are interested in brakes which have been invented by their friends. Every Member who is connected with railways, who hears me, knows that this is the fact, and so does the Board of Trade; because in August, 1877, they invited the Railway Companies to consider this matter, and pointed out to them that their officers had not exerted themselves to satisfy the requirements of the public. Well, these differences do exist, and they exist to such an extent, and in such force, that I believe the interference of this House is absolutely necessary. I have no connection whatever with any Railway Company, and I have no connection whatever with any of those Companies which have invented continuous brakes. I never saw one of them, and I do not understand the matter in a mechanical point of view at all. But I do not think that it is necessary that we in the House of Commons should have any such knowledge, because we have a very wise counsellor in the Board of Trade. In looking through the Correspondence which has taken place with the Board of Trade with regard to this matter, I am very much struck with the wisdom which has been shown by that Department. I do not believe that there exists, either in this country or any other country, a Department of a Government which is actuated by so strong a desire to promote the public interests. It would be ridiculous in me to cite authorities in favour of this view; but I must thoroughly endorse a single sentence in a Report recently presented by Mr. Harrison, a Member of the Royal Commission on Railway Accidents, to the North Eastern Railway Company, which is to the following effect:—

“It is hardly necessary to repeat to you what I have recently said, that I entirely agree with the Board of Trade in the conditions laid down by them as being necessary.”

Now, what is the condition of affairs? For 20 years the Board of Trade has been pressing on the Railway Companies

the necessity of adopting proper continuous brakes. We find that the Board of Trade, through the Royal Commission, did insist upon certain rules for the guidance of the Railway Companies. We find, further, that in 1877, the Board of Trade laid down the conditions which made up an adequate brake; and we find that in 1878, the Board of Trade, anxious to avoid, if possible, the use of compulsory measures, obtained an Act requiring Railway Companies to make semi-annual Returns of the use of the brakes. What has been the result of all their warnings? Why, we have got into a deadlock—a muddle, if I may so call it—which I believe to be hopeless, and which we shall never get out of by voluntary arrangements. The Board of Trade has done all that it could do in this matter, and done it well. The Railway Companies, it is confessed, are all at sixes and sevens. They have done nothing, or very little, and the little they have done has been so badly done that it will have to be done over again. In these circumstances, I think that Parliament is bound to step in and strengthen the hands of Her Majesty's Government by taking the course recommended in the Resolution which I have placed upon the Table, but which, I am afraid, I am not now able to move—namely,

"That, in the opinion of this House, it is now the duty of the Government to take such measures as may be necessary to secure, within a fixed and reasonable time, the application to all Railway passenger vehicles in the United Kingdom of Continuous Brakes which comply with the conditions laid down by the Board of Trade as essential to public safety."

COLONEL MAKINS: The right hon. Gentleman who has just sat down (Mr. Baxter) seemed to assume throughout his remarks that the Railway Companies are anxious to avoid taking the responsibility of accepting these brakes, forgetting that the Companies must, more than anybody else, benefit by getting the best that can be devised. It is true that the Board of Trade have laid down conditions which must be fulfilled; but they have not indicated which of the brakes, in their opinion, best complies with these conditions. We have four or five brakes in the market, all of which claim to fulfil, and some of which, undoubtedly, do fulfil, the conditions brought under our notice. The Companies naturally endeavour to find out, by comparison, which

of them is the best for their purpose. To do that, of course, requires a considerable amount of time; but there is another difficulty which the right hon. Gentleman does not recognize, and that is the difficulty the Companies have of getting brakes when they require them. The Company with which I am connected has had in order, for a long time, one of the automatic continuous brakes, and we find it absolutely impossible to get the machinery delivered. It is not a question of cost at all, for the simplest and best brake will, in the end, be the cheapest and it is for the interest of the travelling public, as well as of the Companies, that we should, before finally adopting a general brake for our railway systems find out which is the best and which is the most simple. Of course, if the right hon. Gentleman had been able to move his Resolution, and the House had thought fit to carry it, one effect would have been immediately to cause that difficulty to which I have alluded to be very greatly increased. The patentees of these brakes would naturally have said—"Now that the Government are going to force you to adopt these brakes, we will double the price of them, and we will make a very good market out of your difficulty." That I think would be the first result of any such action on the part of Parliament. Then there is another consideration. All the brakes hitherto invented although they do comply, as far as experiments have gone, with the condition laid down by the Board of Trade, are more or less imperfect. Even those most highly in favour occasionally fail, and we have had failures even of the Westinghouse brake which might have had very serious consequences. Not only engineers and officials, but drivers and guards who use the brakes, are very much divided in opinion as to which is the best. Then the Resolution of the right hon. Gentleman covers the whole ground of our passenger system; and it must be obvious to all acquainted with railway work that it is not necessary to have the same kind of brake for fast and slow trains. For one class of train, you may require a more perfect automatic brake than for the other. There are trains which run over branch and loop lines, which are composed not of passenger carriages only, but of milk vans, horse boxes, and other vehicles, which are detached at various points on the

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road. For such a train, which is broken up from time to time on its journey, the continuous automatic brake, with its special applications of pipes and valves, would be quite unnecessary; and I should think the House would not desire to impose on the Companies, in trains of this class, the obligation of placing that sort of brake on the whole of the passenger vehicles. Although the right hon. Gentleman says he has nothing to do with the cost, that is a very serious matter when it comes to be considered. The cost of an automatic brake, exclusive of fitting, for engines alone, is about £60, and from £27 to £30 for every other vehicle. The cost of fitting mounts up to a large sum; and, in fact, in the railway to which I have alluded, it would cost from £75,000, to £80,000 to put this brake on all our vehicles. In addition to that, there would be an annual charge for maintenance and repair of some £5,000 or £6,000 a-year more. The directors would not shrink for one moment, even from that large expenditure, if they were certain that they had the best and most efficient brake, and that they would not have to undo their work. The right hon. Gentleman dwelt very properly and forcibly on the folly of spending money on brakes that might hereafter turn out to be inefficient, and I can assure him that it is not the intention of the Companies to adopt any such course. If they have various types of brakes, it is simply because they wish to see by actual experiment which is the best for their purpose. I think it would be a very great pity if this question were pushed on by means of a Resolution of this House; and I am rather glad that, by the Forms of the House, it is impossible that such a thing can be done to-night. I do not complain of the right hon. Gentleman for raising the question, or for the way in which he has treated it, except that I think he spoke with a certain amount of harshness of the Railway Companies, which probably arose more from ignorance than any wish to deal unfairly with them. Having called the attention of the House and Government to this subject, I wish he would press the matter one step further, and ask the Board of Trade, when next they issue a Circular on this subject, to indicate a little more closely which brake they wish the Railway Companies to adopt. They will then relieve us from a considerable amount of em-

barrassment. They will be accepting a serious amount of responsibility; but we shall know exactly to do what we ought to do.

Mr. ARTHUR PEEL said, he was confident that the Board of Trade would be very glad that the House should express a strong opinion on this important subject, as it would enable them to take up a stronger position towards the Railway Companies than they had heretofore been able to assume. It was remarkable to observe that in the past six years, while accidents from unsuitable or inadequate brake power had increased considerably, other accidents, from defective arrangements of points and signals, had decreased very largely. The conclusion he drew from this comparison was that there were accidents over which there was vast control if they wished to exercise it, and that accidents could be prevented. The hon. and gallant Gentleman, when he was sitting down, said he hoped the House would not be hurried into premature action; but no one could complain of too rapid action on this question. The rate was 3 per cent for the adoption of this system for the engines during the last six months for which the Returns were complete, and 4 per cent for the carriages. The progress had been very slow, indeed, and meantime accidents were occurring and lives were being lost. If there was one thing more monotonous than another in the Blue Books relating to this subject, it was the reiterated complaint of the Railway Inspectors—"If continuous brakes had been in use on this line, the accident would not have occurred," or "the effects of this collision would have been greatly modified." Reference had been made to expense. He had read that the cost of fitting the brake to an engine would be £100, and to a carriage £35; but he would ask the House to remember the expense the Railway Companies had gone to in applying different systems, simply from the absence of agreement among themselves to adopt one which excelled the others. The Americans had adopted the system of continuous brakes, and they found that the expense had been amply repaid by the increased safety of the traffic. Nobody supposed that one general system of continuous brakes could be established for all time. That was not what was asked. What

was asked was this—that each Railway Company should adopt for itself a system of continuous brakes, which complied with conditions founded on just and true experience. The system of through trains now running on the Great Northern, North Eastern, and North British, showed that there was no difficulty in regard to traffic passing over several lines. Reference had been made by the right hon. Gentleman (Mr. Baxter) to what was doing in foreign countries; and he showed that France in a short time would have all its railways supplied with efficient brakes, while the English Companies were wrangling with the Board of Trade. It was strange that the Chairman of the London and North Western Railway Company could have said what he had, with the recollection of an accident which occurred on his own line in 1877, which was of a peculiar character, and forcibly illustrated the necessity for continuous brakes. There was a gap in the line, 30 yards having been taken up, and of this there was 1,500 yards' notice to the driver of a train approaching at the rate of 40 miles an hour. It plunged into the gap at the rate of six miles an hour. An immediate examination showed that some tires were cold, some lukewarm, and some hot, showing that the brakes, under the management of four men, had been applied at four different times. Could anything more strongly illustrate the necessity of having a continuous brake system worked by one man from the engine and on his own responsibility? He (Mr. Peel) was unwilling that attention should be called to this subject by any director being killed, on whichever side of the House he might sit. But he thought they would have had continuous brakes before this if a director had been in the position of a guard on an Irish railway, who, in the year 1878, was in a carriage, two wheels of which were off the line, and who had to go for three miles in that perilous position before the train could be stopped. There was no difficulty in pulling up and stopping a train of 100 or 200 tons while travelling at 40 miles an hour, within a distance of 200 yards; that difficulty had been got over; the important point was that there should be automatic action of the brake, and that information should be given to the man in charge the moment the brake ceased to

be in perfect working order. To say that men would rely too much on a magnificent instrument was an odd argument against giving it to them for the protection of life. The failures that had occurred with continuous brakes furnished no argument against the principle of them, though they might tell against the mechanism of some particular application. Any system they could devise would fail, just as the energies of the human mind fail, or the physical powers of the human body would fail. The interlocking and block systems and other improvements occasionally failed; but that was no argument against their general utility. But the time had come when the Board of Trade ought to say to the Companies that they must agree among themselves upon some system or systems to be generally available over their lines. Of course, on small branch lines, where trains did not attain more than 25 miles an hour, it would not be necessary to provide the same brake power as for trains of a higher speed. He did not advocate compulsion or uniformity, for he objected to the State management of railways; and it would be only in the event of the Companies proceeding at too slow a pace that the State should interfere with their independent action.

MR. TENNANT said, that as a railway director he was exceedingly glad that this question had been brought forward. A discussion had taken place, and the views of hon. Members on the question could not fail to prove impressive, and they would be quite as effectual as the passage of an Act of Parliament, or even an Order made by the Board of Trade. He thought the time had arrived when some further pressure should be put upon railways in this direction. For the last four or five years experiments had been going on—experiments of every sort and every description of brake, whether steam, air, water, or any kind of mechanical contrivance. But although many of the brakes now in use complied with several of the requirements of the Board of Trade, yet he thought everyone must admit that no perfect brake had yet been found; and until that perfect brake, or one answering every requisite for the safety of the travelling public, was found, it would be most unwise to put power in the hands of any Department to insist upon the universal

Mr. Arthur Peel

adoption of any particular brake. There were, he believed, some 40 or 50 different descriptions of brakes that had been applied on different lines. Two or three of them, perhaps, would answer most of the requirements of the Board of Trade; and he believed there was one which might be said to answer almost all of the requirements, but even that was, in some respects, imperfect; but until it was known which particular brake was to be the brake of the future, he thought it would be most unwise to interfere by any compulsory action. The Railway Companies had not been so inactive in the matter as some hon. Members thought. Upon no fewer than 70 of our railway systems continuous brakes had been in operation during the last few years; and from the last Return of the Board of Trade it would be found that nearly 800 locomotive engines, and over 8,000 passenger carriages, had been fitted with a continuous brake. This, at a moderate cost, must have cost upwards of £250,000. As, however, there were nearly 4,000 locomotives and upwards of 30,000 passenger carriages used on the various railways of the United Kingdom, it might be said this was not a large proportion, and that there was ample scope for further experiments until this great deficiency was supplied. It would, of course, be invidious to call attention to particular railways; yet, as might be seen from the Return, there were many Companies that had done little or nothing in the way of adopting continuous brakes, while others had fitted up the greater portion of their rolling stock with them. There was need for pressure; and he, for one, should certainly maintain that the only question was how, and by what means, and to what extent, should that pressure be applied. It was now almost universally admitted that the modern appliances which had of late years been introduced into our railway system, such as the communication between drivers and guards, continuous foot boards, block signals, interlocking apparatus, and other minor improvements, had contributed largely to the diminishing of accidents; consequently those appliances, although expensive, had done good. And, setting aside the saving of life and limb, they had been an improvement even in a pecuniary point of view. Therefore, it was to the interest of the

Companies, considering the matter on the lowest basis, to adopt every such improvement. These appliances, introduced of late years, were at first looked upon with disfavour by the Companies, and with indifference by the public; and it was only fair to say that their adoption was mainly brought about through the instrumentality of the Board of Trade. It was only due to the Board of Trade that this should be publicly stated, because they had no direct power to enforce the adoption of any of those improvements to which he had referred, but by the pressure they had continuously applied they had been able to effect these desirable objects; and he could not help thinking that even in this case, after the expression of opinion of this House, and after the expression of public opinion, which, no doubt, would immediately follow, that they would be able without any special Act to bring about a general adoption of continuous brakes. At all events, until it had been seen that they had failed to accomplish this, he thought it would be unwise to interfere compulsorily. There was, he believed, only one instance on record where direct legislative action had been brought to bear upon the application of any appliance upon our railway system. The Act of 1868 directed that some such efficient means of communication should be provided between drivers, guards, and passengers of trains as met with the approval of the Board of Trade. The Board of Trade signified their approval of a particular form of communication, and that form of communication was adopted by the railways; but for some reason or other the approval of the Board of Trade was soon withdrawn, and the Act of Parliament, therefore, became a dead letter. Assuming that the same course would be pursued in this case as was in that of communication between driver and guard, and it were provided that some specific continuous brake power should be applied to every train, it might so happen that the Board of Trade would specify a brake which, within a very short time, might be found not to be the best brake, and the consequence would be that the regulation would be disregarded, and the Act itself rendered worse than useless. That, he thought, would not be a very nice state of things to bring about; and he, therefore, objected to any direct Parliamen-

tary interference until it had been shown what was the best sort of brake to be used. It would be desirable, before the Board of Trade issued any further notices of this kind to Railway Companies, that they should satisfy themselves more fully as to the requirements of railways. He himself would have suggested that there should have been some public trial, under the supervision of the Board of Trade, of every system of brake that was known to be in use on the various lines in the Kingdom, and that the trial should take place before a competent, and unprejudiced, and unbiassed body of men; because he quite agreed that there was a great deal of jealousy and partizanship on the part of the locomotive engineers and railway officials, which certainly had not tended to produce, so far, the best results. Engineers seemed to make up their minds in favour of one or other particular form of brake or principle, and they devoted all their energies, not towards improvement of continuous brake power in general, but towards the improvement of some particular principle they approved of, even to the exclusion of other systems. Such a trial, properly conducted, would conduce to the best solution of the difficulty, and they would thus have a reliable and unbiassed opinion as to which brake answered all the requirements most fully and effectually, and whether the brake selected might not still further be improved by the adoption and combination of some part or principle taken from another brake. He could not but think that Railway Companies would avail themselves of a brake which answered all the best requirements; because it was too manifestly to their interest, indirectly as competitors for traffic, and directly in the saving of life, that even if improvement generally considered efficient should be adopted in the system of railway brakes. The Board of Trade, no doubt, possessed the power of instituting this trial with the concurrence of the various Railway Companies, and that would be freely accorded; but, for the reasons he had stated, he should deprecate any action by the House to clothe the Board of Trade with imperative power to enforce the adoption of a particular brake. He certainly, however, was very glad that the subject had been brought under discussion. He wished to make a few remarks in reply to the right hon. Mem-

Mr. Tennant

ber for Montrose (Mr. Baxter). He thought he was rather severe in his strictures on some railways. Speaking for the line with which he himself was connected, he could say that they had introduced a number of improvements, and he believed it was among the foremost to introduce the continuous brake; but the right hon. Member took exception to the introduction of a brake that did not comply with the requirements of the Board. He was not prepared to say that the brake they had in use did comply with the requirements of the Board; but he was happy to think that, at a comparatively light cost it might either be altered to suit the particular brake which the Board of Trade desired to introduce, and he believed the brake itself might be made automatic. But one condition laid down by the Board of Trade appeared to him to be a condition that could not possibly be complied with. The words were—"In case of accident to be instantaneously self-acting." He could not conceive it possible that any brake could be instantaneously self-acting in every accident. A fruitful source of accident was the breaking or failure of axle, or tires, or wheels, or working. An accident might not affect the mechanism of the brake. It might be possible to apply the brake and this showed the danger of laying down general principles of such a nature as this; and such specific definitions, on the other hand, would be laying upon the Board of Trade the responsibility which was now thrown upon the Railway Companies. He, for one, speaking quite apart from railway interest should be exceedingly sorry to see the responsibility impaired or diminished for he was perfectly certain that it was the best safeguard they had. The right hon. Gentleman (Mr. Baxter) had referred to America; but it must not be forgotten that in America they had not the block signals which were in operation in this country, and that alone did away, in great measure, with the necessity of continuous brakes. He did not at all mean to say that continuous brakes were not an additional protection. He believed they were, and that the time would come when they would be universally in use. But it was scarcely fair to institute a comparison with America unless the circumstances were similar. He had only to say, in conclusion, that he should

be exceedingly glad if any means could be devised by which the Board of Trade should be clothed with additional powers to bring further pressure to bear upon the Railway Companies. But whatever action was taken he hoped the responsibility would not be transferred from the Companies to the Board of Trade, for if that were done one of the best safeguards to the travelling public would disappear.

MR. KNOWLES thought the right hon. Gentleman the Member for Montrose (Mr. Baxter) had done good service in calling attention to this very important and interesting, though complicated, subject. It was a very easy matter for the Board of Trade to compel the adoption of some particular system of brake; but very difficult for Railway Companies with enormous rolling stock to apply it. The London and North Western Company, for instance, upon which a severe attack had been made, possessed a rolling stock of 2,000 locomotives, 5,000 carriages, besides a very large number of trucks, cattle waggons, and other vehicles, and to such a Company it would be extremely difficult to adopt brakes which any crotchety person might introduce. He used this word, because, in reality, there were a good many crotchety people who invented brakes which were never brought to perfection. The majority of the inventions generally went smoothly on trial; but when they came to be put into practice they very frequently resulted in absolute failure. He could speak on behalf of the London and North Western Railway Company in this matter, and he had no hesitation in saying that they, as well as other Companies, were fully alive to the fact that it was to the interest of the shareholders to adopt the best practical means which would conduce to the safety of the public. They had, he might say, the fullest confidence in their engineer, who was, he believed, more competent for the performance of the duties which he had to perform than anybody connected with the Board of Trade. Little or no allusion had been made in the course of the debate to the block system. He attached a great deal more importance to the block system than to the continuous brakes. That system conduced more to the safety of the public than continuous brakes would; and if the system were only

thoroughly applied in every instance, little would be heard about such brakes as it was now desired the Board of Trade should enforce. He was inclined to ask if people were quite sure that continuous brakes would prevent accidents, because he had heard very different opinions expressed on the subject. He had heard good engineers and most ingenious people say that when the block system was properly applied, and men did their duty, the public were safer and better without the continuous brake than with it. Continuous brakes were, no doubt suited to the peculiar circumstances of American railways; but in regard to England, trains were signalled from station to station, and the permanent way properly fenced in and free from obstacles. He agreed with those people who had doubts as to the wisdom of adopting continuous brakes on our railways. The Railway Companies were in no way ceasing in their efforts; but were unanimous in their desire to do all they could to protect the public; and, immense as was the traffic now, the accidents were far less than those in 1856. He asked in conclusion, whether, during the "battle of the brakes," which was still going on, it would not be preferable for the Board of Trade, as the guardians of the public, and also for the public themselves, that these things should be matured by the railways themselves, and by the ingenious gentlemen who were trying all sorts of experiments, rather than that the Government should insist upon any kind of brake, or upon what should be done at the present moment, and thus take upon itself the responsibility of that matter? He did not think the Government would do that, but that they would leave the responsibility on the shoulders of those upon whom it now rested.

MR. LEEMAN: The hon. Gentleman who has just sat down (Mr. Knowles) has expressed views with which I must say I cannot agree. He has stated them very broadly, and I assume that they embrace the views of the whole of the directorate and of the engineer of the London and North Western Railway. Those views are opposed to the principle of continuous brakes; and he gives us that statement as a reason against the indictment of the right hon. Member for Montrose (Mr. Baxter) that the North Western continue to adopt a system of

brake power which is not adopted on any other railway in the immediate neighbourhood, or, so far as I am aware, throughout the country. The hon. Gentleman told us also that his Board had a very confident opinion of the excellent qualities of their engineer. Well, Sir, other Companies have got engineers, and they do not, at all events, in the immediate neighbourhood of the London and North Western, agree with the engineer of the London and North Western. Let me say that the gentleman to whom the right hon. Member for Montrose referred at the outset of this debate, Mr. Harrison, a man whose experience, at all events, has not been exceeded by any other engineer of this country, who has probably made more railways and public works than most men, who has been as well acquainted with the working of the railways in the North of England, and who, in the first instance, entertained very considerable doubt as to the precise principle and system to be adopted with regard to brakes, has come to an entirely opposite opinion to that expressed by the hon. Member who has just spoken, and that of the engineer of the London and North Western Railway. My right hon. Friend quoted the opinion expressed by Mr. Harrison on this subject some months ago. Sir, I hold in my hand the views entertained by Mr. Harrison, though there are parts of this communication which I shall not read, for I think it would be a great pity if we were to allow ourselves to enter into a consideration of the relative merits of different systems of brakes. I think some hon. Gentleman spoke of there being 70 systems of brakes in competition. Well, I have only heard of eight. There are only eight spoken of in the Report of the Parliamentary Commission, which lay claim to having been considerably experimented upon. But I had thought that, on the simple question of principle, all these experiments had led up to a result which the Commissioners who sat upon the Bill came to, and came to unanimously—namely, that the principle of continuous and systematic brakes was that which was required for the public safety. Well, Sir, as I have said, these Gentlemen having heard all the evidence, Mr. Harrison, who was a practical member of that Commission, joined in that Report, and in a letter which he

wrote to me, as Chairman of the North Eastern Railway, he said—

“ The question of brake power is one of such great importance, and so many different views and opinions are held about it, that I have thought it right to put in writing, for your information, my own views and the conclusions I have arrived at after most careful consideration of the whole subject. I will refer briefly to the circumstances which led the Railway Accidents Commissioners to make the recommendations they did in their Report. The evidence given by guards, engine-drivers, and others, soon showed that they had no accurate means of ascertaining the distance within which a train, at any given speed and with a given amount of brake power, could be brought to a state of rest; in fact, the distances, they stated, were mere guesses. A series of experiments were undertaken, and they showed that in the normal condition of express trains, as then running on the principal lines in the Kingdom, it required a distance of from 800 to 1,200 yards to bring them to a state of rest when travelling at 45, to 48½ miles an hour, this being much below the ordinary travelling speed of the fastest express train. Railway officials were not prepared for this result, and the necessity for a great deal more brake power was at once admitted. The Commissioners, after hearing a great deal of evidence, both before and after the experiments, recommended, in their Report, that sufficient brake power should be applied to every train to bring it to an absolute stop in 500 yards; and you will see at once that though some of the general managers thought there was no difficulty in doing this in 300 or 400 yards, the Commissioners, in fixing 500 yards, looked at all the varying circumstances of bad weather, slippery rails, and bad gradients.”

I would here call your attention to the fact that all the engine-men and guards examined gave evidence as to the necessity of having the control of the brake power primarily in the hands of the engine-men, but that the guards should also have a given amount of brake power. I now come to an officer of the Board of Trade, and one, at the time I quote, exclusively their officer. What did he say, in 1874? I am confining myself, at this moment, to the question of principle—namely, whether the continuous automatic brake, or whether that to which the London and North Western, or one of those to which some other large railways hold, is the right one. The Commissioners quote Captain Tyler's Report of 1874—

“ That the brake should be applied at the will of the engine-drivers, and available in each part in the event of the train becoming suddenly divided.”

This means that the brake should be automatic, and the inspecting officers of the Board of Trade frequently refer to

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this point in their Reports on accidents, and express the opinion that in several cases the serious effects of accidents have been, and in others would have been, diminished by the action of the automatic brake. Mr Harrison goes on—

“My own opinion is strong that a really efficient brake should be continuous; that it should be primarily under the control of the engine driver; that when necessary, in emergencies, the guard should have the power of applying it, and that it should be automatic in its action, in case of a train dividing from any cause, and that it should be, as nearly as possible, instantaneous in its action.”

Now that, I repeat, is the opinion of as practical a man as any in the Kingdom. Well, the Board of Trade, holding the same views, sent to the Railway Companies, and urged upon them that they should take into consideration the views which had been expressed by the Railway Commission, of which Mr. Harrison was a Member, in the Report, and which I do not think I need refer to further, but upon which the Board of Trade have been asking that the different railways should adopt the principle of instantaneous automatic action. That is the requirement which has been made to all the railways in the Kingdom, not the adoption of any specific brake. Acting upon that requirement, the North Eastern Company at once set to work and adopted a system of brake fulfilling those requirements on their own railway. But there is no doubt that what has been said by the hon. Member for Leeds (Mr. Tennant) is quite true. There is the greatest possible difficulty in the case of half-a-dozen railways going into one another's lines. The brake of the North Western system, of which the House has heard, comes upon the North Eastern system at Leeds and Normanton. See the difficulty which arises. No doubt, it is a practical difficulty; and the Board of Trade will tell you to-night, as they have told you on former occasions, that they will not take the responsibility of determining these difficulties. They are as cautious as possible; but in regard to the question of uniformity of brake, they feel the difficulty of determining which is the best. There is one principle, however, which stands prominently forward, that of the brake being continuous and automatic, on which they are fortified by the opinions expressed by the Commissioners, but be-

yond that they do not go. When the responsibility is left to the Railway Companies themselves, one Company cannot determine what brake shall be adopted by the other Railway Companies. Expense has been talked of; but I do not believe the Railway Companies would allow expense in this matter of brakes, any more than in the block system, to stand in the way. Whatever will increase the safety of the public on the lines of railway will, I believe, in the long run, bring to the Railway Companies a diminution of cost in that ugly item of compensation. That the principle of continuous and automatic brakes is the safest that could be adopted was the unanimous conviction of the North Eastern Company, and as soon as we were satisfied of this, we communicated it to the Board of Trade. Well, Sir, I am not sorry that this discussion has taken place, for I hope it will show the public that these matters are being very carefully considered. I do not know what the noble Viscount the President of the Board will do; but this I will say—that I should be very sorry if it were supposed for a moment that directors do not reflect on what is best for the safety of our passengers. You have heard that the Great Northern Railway Company have considered the best mode of carrying their traffic; and, although theirs is a different brake to ours, the North Eastern at present carries on the traffic that comes from London to York forward to Edinburgh and the whole of Scotland. Persons should not be alarmed at the idea of carriages being pulled up within 500 yards. A great many experiments have been tried in different parts of the country, and the result of those experiments has been to show clearly that we can do what was supposed years ago to be utterly impracticable. The following is the result of experiments made by the Commission itself, and must be taken, therefore, as *bonâ fide*—it is the Report of men who are uninfluenced in any way in favour of any particular brake—namely, the Commissioners themselves, presided over by a most practical man in the Duke of Buckingham. Upon the experiments made for the use of the Commission, they say—

“On the whole, therefore, we think that if it be desirable to give to Railway Companies a rule for the future, the only plan will be to lay down the distances within which trains travelling on

level ground at given speeds might be brought to rest in cases of emergency, and these we should base on a stoppage similar to that before-mentioned—namely, that of 275 yards for a speed of 50 miles an hour, making a correction for speeds up to 60 and down to 30 miles an hour, in proportion to the squares of the rapidity, nearly as follows:—Running at 60 miles per hour, to pull up in 400 yards; 55 miles, 340 yards; 50 miles, 275 yards; 45 miles, 220 yards; 40 miles, 180 yards; 35 miles, 135 yards; 30 miles, 100 yards."

Now, the maximum required by the Royal Commission is 500 yards. The Board of Trade, however, say that brakes must be instantaneous in their application. But to show the importance of coming to a right comparison between one system and another, it should be borne in mind, as stated by Mr. Harrison, that a loss of one second in getting the brakes in full action means a loss of 30 yards in distance; of two seconds, 60 yards; and of three seconds, 90 yards. When you consider this, the importance of the word "instantaneous" is appreciated. I must ask the House, in considering the question brought before it, to bear in mind the various circumstances to which I have adverted.

Mr. C. BECKETT-DENISON said, that the House was engaged in a discussion of a highly technical character, and he was somewhat surprised that so abstruse a mechanical point as the working of an automatic instantaneous continuous brake should have been made the subject of a positive Resolution by a Member of that House who had had no actual experience of the superiority of one kind of brake over another. He hoped, however, that they would not be dragged into the discussion of the merits of any particular kind of brake. Railway directors did not object to, but would, on the contrary, accept with gladness, the authority of the Board of Trade, wherever that authority was intelligently and wisely exercised. But a difference arose as to the principle of automatic and instantaneous action. It was very difficult to understand that difference, and he should despair of making it intelligible to gentlemen who had not had the means of informing themselves as to the arcana of its working. It was one thing to get a brake on to the wheels, and quite another to get it off again. Without expressing any opinion as to the merits of any particular invention, he might say that at this moment there was not one in existence that was not

subject to sudden derangement or accident in the regular working of trains. He might give an instance of an accident which came under his personal knowledge. It was the breaking of an axle on a Scotch express. The whole train was fitted with continuous and automatic brakes, and what was the result? The train stopped to a certain degree; but was not thoroughly stopped. Some of the carriages dragged and got off the line, and the engine-driver saw that the only safety for himself and those under his charge was by making the train stop and bringing it quietly up to a stop. The brake in this instance had been applied; but by the swaying of the carriages the connecting tube was broken, but the engine-driver was thus enabled to avert a very serious accident. He would be sorry if the Board of Trade should make itself the patron, exponent or advertiser of the mechanical invention of any particular patentee. That was not what was desired in a great Department of Government. Let all the inventions stand upon their own merit. The House had heard from the hon. Member for York (Mr. Leeman) what was Mr. Harrison's opinion. The opinion of that gentleman was entitled to the greatest respect; but all the most able with the least able were liable to a bias in one direction or another. The hon. Member for Leeds (Mr. Tennant) had suggested that the Board of Trade should have a compulsory trial of all the continuous automatic brakes now competing for public favour. But he had one objection to that—and this had been in a measure anticipated by the hon. Member for Wigan—that was, that the experiments made under what might be called fair weather conditions, with train prepared with guards, official directors, and patentees all present, insure the success of the experiments was not the sort of success to stand the wear and tear of every-day work. That was one difficulty in the way of an authoritative trial; and another objection was that every month of the year, and almost every week of the month, brought nearer and nearer a solution of the question. There were inventions coming out every day, and it would be a grave misfortune if, by the premature action of that House or of the Board of Trade, the travelling public and the railway interest were to be deprived of the be-

Mr. Leeman

invention. He was not at all opposed to pressure of a gentle and proper kind being brought to bear on the companies, to ensure that they did not go to sleep, and to show that the public would not submit to an indefinite retardation of the subject; but it was also of the utmost importance that the companies should not get into a wrong groove, from which there would be no return. With these remarks he would quit the question; and, speaking for the board of which he was a member, they would hail with the greatest satisfaction any invention fulfilling the conditions all must admit were essential to the public safety.

Mr. MACDONALD said, this question did not affect Railway Companies merely, or the public who travelled by fast trains. It affected in a very special manner working men employed on trains carrying heavy material, which were liable to many and grievous accidents. He hoped that when the question should be brought up again, it would be dealt with in relation to trains carrying heavy material. He trusted that the wisdom which had guided the Board of Trade hitherto would prevent it from giving a preference to any particular brake, but would content itself with laying down certain requisite conditions to be complied with, leaving to Railway Companies to choose any one brake which complied with these conditions; otherwise, when an accident happened, the railway companies would say that they had carried out the will of the Department, and the result was the accident which had occurred.

Mr. HICK said, the subject was one of very great interest and importance, and he, and every hon. Member present, would appreciate the motives which had induced the right hon. Gentleman the Member for Montrose (Mr. Baxter) to bring it forward; but he could not agree with the right hon. Gentleman's views when he laid so much stress upon the want of brake-power as the cause of so many accidents. He (Mr. Hick) admitted that there were many accidents due to this cause, but not nearly so many as the right hon. Gentleman attributed to it. The right hon. Gentleman was rather severe on the London and North Western Railway, of which he (Mr. Hick) had the honour of being a director; but he felt quite sure that no body of directors in the

country paid more attention to securing the safe working of the line than did the London and North Western. For a considerable number of years they had been making experiments to find the best kind of brake, and he quite agreed that it was of paramount importance to have a continuous effective brake. He must say a few words in reference to a remark attributed to Mr. Moon by the right hon. Member for Montrose. Mr. Moon was said to have expressed an opinion "that a man must be out of his senses to trust his safety to an automatic brake." Mr. Moon must have referred only to such brakes as railways had before them, and in that he (Mr. Hick) quite agreed. He would be sorry to trust to any automatic brake he knew, for they were very uncertain in their action, and, so far from preventing accidents, some day they would lead to an accident. Speaking from a long mechanical experience, he regarded all automatic machinery with distrust. You could not depend on your material to such an extent but that there might be some flaw, and he would much rather trust machinery and its application where the watchful eye of a skilful and careful man was necessary. He argued, also, that it would be a bad policy for the Board of Trade to interfere and support any particular brake. It would be a dangerous step. It would remove all responsibility from the Railway Companies, and there would be a check to all improvements and new inventions. He was quite sure that all connected with railways were agreed that anything calculated to prevent accidents should be adopted. The London and North Western Company had not been slow in trying experiments with brakes of various kinds. Something like £100,000 they had spent already; but cost was not an element in their consideration. A good deal had been said about the company taking up an invention of one of their officers; but why should they not, if the inventor was—as the company believed he was—one of the cleverest engineers to be found? He (Mr. Hick) fully believed their engineer was one of the ablest railway engineers in England. He had, in connection with another gentleman, been fortunate enough to invent a brake that the company, after careful experiments, had adopted. The invention was now under-

going alteration. Experiments and improvements were being made upon it, and only to-day orders had been given for the application of certain improvements of the greatest consequence. He did not know any better brake than the Clark and Webb brake used by the London and North Western Railway; and he believed, when it was made as perfect as it could be made, no brake in the country would equal it, and, certainly, there was no brake in the country under which he should consider himself so safe from accident. He would only further say he regretted such strong remarks should have been made in regard to the North Western, because he was sure that if the directors knew of a brake, invented by anyone and better than their own, they would not hesitate to adopt it at any cost. In conclusion, he would say that if they were actuated by no other motive than that of self-interest they should do all in their power to adopt means for the prevention of accidents, but he trusted they had far higher inducements. Could it be thought that they cared nothing for mutilated limbs? Nothing for the painful and sometimes sudden deaths, or that they had no sympathy with the sufferings and sorrows of the bereaved? He could assure the House that they, and all who had anything to do with the management and the working of railways, felt these things deeply, and should not relax in their exertions until they had devised and adopted means which should render the occurrence of these accidents—as far as was practicable—impossible.

LORD RICHARD GROSVENOR said, this question had been before the directors of the London and North Western Company for the last 20 years. Clarke's brake was, after very great consideration, adopted by that company. It was improved by Mr. Webb, their engineer, then second in command, and it had since been called Clarke and Webb's brake, but it was not originally invented by an officer of the company. Modifications were being made in it, and there would be little doubt it was the brake most likely, with improvements, to fulfil all the conditions required by the Board of Trade. He would not have ventured to mention this brake, in contradistinction to all others, if the London and North Western Company had not been so particularly alluded to in the course of the

evening. The directors of that company were fully alive to the importance of continuous brakes, but there was a little fashion in these matters. At one time the salvation of passengers was to the interlocking system, at another time communication between passengers and guard, and then again continuous brakes were to bring about the result they wished for. The directors of the London and North Western Company believed that in the prevention of accidents much was due to the management and discipline of the whole line in case of a momentary failure of any individual part of the machinery. Reference had been made to the readiness with which continuous brakes were adopted in America; but he wished to point out that there, owing to the greater length of the carriages, there were much fewer couplings and joinings. He did not join in the recommendation of his hon. Friend the Member for Leeds (Mr. Tennant) that the Board of Trade should institute any authoritative trials of brakes, as they already had the result of the Newark trials, which showed that could be done; nor did he join in the other recommendation, that the Board of Trade should force any particular brake upon Railway Companies. He believed such a course would defeat its own object and effect no good. What was desired was a brake that could be depended upon at all times. The present discussion had shown that railway directors were alive to the necessities of the case, and he honestly believed that they were only anxious to secure the best form of brake that could be attained. The right hon. Gentleman the Member for Montrose had stated that France had gone farther ahead than England in the matter of railway brakes, but if he inquired into the facts, he would find that the Northern of France had adopted one of the brakes in the second category of the Board of Trade which did not carry out all the requirements.

VISCOUNT SANDON: Sir, I feel confident that the House will agree with me that the course of this debate has fully justified the right hon. Gentleman opposite (Mr. Baxter) in bringing the subject forward. Not a single hon. Member has got up who has not expressed gratitude to him for having raised the subject, and I think with

Mr. Hick

them that that gratitude is justly due. We were much interested in the very careful and temperate speech which he made, and we are much indebted to him for bringing this subject prominently before the public. My hon. Friend the Member for Warwick (Mr. Arthur Peel), the Seconder of the Motion, who also has a large acquaintance with these matters, no less deserves our gratitude, as he has contributed to the discussion the result of experience which he gained during the time of his connection, as a Member of the Government, with the Board of Trade. Further than this, I am willing to agree heartily with my right hon. Friend opposite in his opening remarks—that is to say, I join with him most cordially in expressing the pride which we all must feel with respect to the generally very able management of our great railway lines. My right hon. Friend bore ungrudging testimony on that point, and I think there is no one living in these Three Kingdoms who does not feel that he has a right to be proud both of the high character and the devotion to business of the directors, and of the great scientific acquirements and equally high character of that noble class of railway officers who control and manage the marvellous means of communication which we now enjoy. Whether you look at those men of high genius, capacity, and skill, who are the working heads of these immense undertakings, or whether you look to those whose hands carry on this complicated traffic, we have every reason to be proud of the way in which our railway system is managed. But, having said so much, I must venture to remind those who have spoken on behalf of the railway interest, and who have claimed for themselves, I cannot but think somewhat too strongly, the credit for doing and having done all that the public safety and convenience require, that a great number of the improvements that have been made have been the result of very considerable pressure from public opinion, from Parliament, and, I may also venture to say, from the Board of Trade, as representing the general public opinion of the country. I cannot forget all that has taken place of late years respecting the interlocking of signals and points, the block system, and other matters. Although I am willing to bear the strongest testimony, as far as I can properly

do so, to the high merits of those who work the railway system, yet I must remind them that a good deal of their success in providing for the safety and comfort of the public has, after all, been owing to the pressure from out-of-doors. This, I think, is a matter of history which we should always remember when these subjects are discussed. Now, we must be very ignorant of human nature if we overlook the fact that, however honestly desirous the managers of these vast concerns may be to meet the requirements of the public, for a manager or engineer, or any of the great heads of departments in the railroads, to go before the board of directors, asking them, except under the pressure of a terrible accident, or with very good cause, to spend vast sums of money, in altering their plant, machinery, or anything else, is not a very agreeable thing for these gentlemen to do. Nor, again, can it be very agreeable to the directors themselves of these great concerns to go before a shareholders' meeting, and to say we are obliged to diminish your dividend, already, perhaps, not over large owing to bad times, because we want to spend, say £80,000, upon fitting brakes to all our engines and carriages, to use the figure which my hon. and gallant Friend the Member for South Essex (Colonel Makins) informed us would be the cost of the introduction of continuous brakes on his line. That £80,000 would represent a great lump out of the earnings of the shareholders; so it is only human nature that people responsible to those who embark their money in these concerns should be a little shy of undertaking these large improvements, however favourable in the abstract they may be to public safety, unless great pressure is put upon them from outside. For that reason, we ought to be grateful to hon. Members who from time to time bring these matters of public safety and convenience before us in Parliament; and if I needed justification for this remark, I should be well content to rest it upon the tone which has been adopted by all railway directors to-night. There is hardly a director of high position connected with a leading line, who has spoken, that has not said that, on the whole, he is glad this pressure was put upon them. This is quite a sufficient reward for my right hon. Friend opposite, and quite a suffi-

cient justification for a Motion of this kind. I have been asked, whether or not I should be inclined to encourage legislation on these specific points? I would ask hon. Members to consider carefully how we got the great results respecting interlocking, the block system, and other leading improvements, the importance of which is now generally acknowledged? We did not get these results by legislation. We got them in a different way; a way more in accord with the habits, feelings, and best traditions of the country. These improvements have not been ordered by Parliament, nor by the Board of Trade; but you have got them by throwing the strong light of publicity upon the action of the Companies as to these proceedings. You obliged them to make periodical Returns, so that the Companies felt that all they did in these matters would be widely known and widely discussed. Well, surely, after such successes, it would be a very rash thing on our part to depart from the long usage of the Board of Trade in this matter, which has led to such results, unless under pressure of some overwhelming necessity. Not only have we required these Returns, but, of course, a large part of our later system has been to establish a careful examination into all railway accidents, and a careful classification of the causes which we believe have led to these accidents. To sum up, our system has been to rely for bringing about improvements in the management and apparatus of our railways, upon careful examination into accidents by experts, under the direction of the State, upon the publicity of the results of such inquiries, and upon the publication by the railways of the course which they adopt as to the leading mechanical inventions, upon which experience has shown that the public safety chiefly depends. Now, I, for one, would never consent, for one moment, to stereotype by legislation, continuous brakes, or any part of the railway apparatus. It seems to me that that would be a most fatal course to take. No one will, I imagine, deny that the continuous brake of to-day, of which we may all be proud and may think the most perfect and scientific concern, may, and probably will, become antiquated in the year 1890, so that for Parliament to stereotype these inventions would be to strike a most terrible blow at the ad-

vancement of the country. But I would go even further than this, and I say it would be very rash for us, unless absolutely driven to it by the inaction of those responsible for the Companies, by the requirements of the public safety to lay down, by legislation, the conditions which the railroads should adopt with regard to what I may term this any other article of their apparatus. I believe that if Parliament was to enact that certain conditions were necessary with regard to their brakes, we should run a very great danger of shaking the whole responsibility of the railway directors. Our policy, as a Government, is certainly not that of substituting a central control for that of the individual or the locality: its aim is not to diminish, but rather to increase, the responsibility of all who manage the industrial concerns of the country. Besides this, if we once lay down a Government minimum as to any requirements of this kind, we know as well possible, by experience, that the Government minimum, in a very short time becomes the maximum which is adopted by all those who are concerned in the matter; so that, if we were to say that all were to have a brake which would draw up within 500 yards, you would find that the Railway Companies would never think of getting a brake which would draw up within 100 yards; whereas with the progress of invention, this will pretty surely be attained, as we may be confident that if we do not stereotype the public opinion of the day the Companies will be compelled, under the present system of publicity, to aim at the highest possible perfection in these matters. Further, if you adopt the policy of laying down by legislation the conditions which the Companies must adopt as to brakes or any other such matter, I see, with alarm, looming in the distance a whole army of new Government Inspectors. If you say, by Act of Parliament, that such and such conditions must be fulfilled by the Companies, you must have somebody to look out and see that the Railway Companies do fulfil the conditions; and, therefore, I say, I am looming before me an increasing army of Government Inspectors, with all the Continental system of minute Government interference and of State responsibility which I should be very sorry to face, in any way to encourage. Let us be

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in mind that we have only to turn to the debates which have taken place on this subject in either House of Parliament, to assure ourselves that both sides in politics seem to be equally anxious to avoid unnecessary interference with railways. But, on the other hand, having said that much against State interference, I must beg the special attention of the House to one fact to which we must not shut our eyes, and that is this—that when the Board of Trade inquired carefully into this matter in 1877, they found that, on considering a term of years, three-fourths of the accidents might, according to the opinion of their skilled Inspectors, have been avoided if continuous brakes had been used. This is a thing which we cannot get over; it is a great fact, and one deserving most careful consideration. We surely, then, are bound to take steps to see that these evils are dealt with. What, then, are the steps upon which the Government at present rely? The means may appear to be small; but after what I said at the beginning as to the success of such measures, it is not small. I allude to the Act of Parliament which was passed last year, which obliges the Railway Companies to send a half-yearly Return as to continuous brakes, the carriages and engines fitted with them, and as to all the details connected with this subject as affecting their rolling stock. This may seem, perhaps, a small matter; but I need only refer to the interlocking of signals and points, and the block system, and remind hon. Gentlemen of what was the effect of that very same treatment as regards these important matters. I allude, of course, to the Act which obliged the Railway Companies to send annual Returns to the Board of Trade with regard to interlocking and the block system, for the purpose of their being laid before Parliament. I need only give two or three figures. With regard to the interlocking of points and signals, in 1873, 10 of the principal Companies, with a mileage of 8,000 miles, had from 27 to 40 per cent of their points interlocked. The Bill is passed, and what do we find at the end of 1878? The same Companies at the end of 1878, with 9,000 and odd miles, have from 44 to 56 per cent of their points interlocked. The fact is very remarkable and very satisfactory. In the same way with regard to the block system; while, in 1873, the same 10 Companies worked on the

absolute block system from 16 to 77 per cent, at the end of 1878 they worked from 67 to 94 per cent, showing again a very remarkable result from the system of presenting Returns to Parliament. I cannot, therefore, but suppose that all will agree that we have good cause, from experience of the past, to look with confidence to the result of the Act of last year with respect to Returns of continuous brakes: and that the House will feel that I am not wrong when I say that the means which we have adopted to meet these deficiencies, which we lament and acknowledge, are not trifling or likely to be ineffectual. But, be that as it may, as far as I am concerned, owing to the great evils which I see in further Government interference, I must decline to take any further step at the present moment, until I see more of the operation of the Act of last year. It must not be forgotten that it has only been in operation for one year, and the Railway Companies may fairly say—"What you are bidding us to do is a very difficult and expensive undertaking. We confess we have taken a good deal of time about it, but then we did not think you were in earnest in the matter; we have each our peculiar difficulties connected with it, and we dallied, perhaps, with the subject somewhat; but now we see you and the public mean that the thing should be done, we have for some time past put our heads together for the purpose of consulting on improvements, and, therefore, we trust we shall be permitted without interference to carry on our undertaking, provided that we do so within a reasonable time." I would venture to remind my noble Friend the Member for Flintshire (Lord Richard Grosvenor), that it is not a mere question of fashion, as he suggested, with regard to continuous brakes or interlocking, or any such matters connected with our safety on railways. The fact of the public taking up this matter or that arises from a much more serious reason. They watch the Reports of the Railway Inspectors who have gone into the causes of accidents. They observe that the lack of interlocking, or the lack of the block system, or of continuous brakes, has led to great loss of life; and they naturally feel that pressure must be put upon the Companies to adopt those improvements on their railways, which skilled Inspectors have said would save lives and have

prevented terrible accidents. It is not that the fashion has passed, allow me to observe, with regard to the block system and interlocking, that makes it no longer necessary to make any fuss about them. The reason is a very simple one: the Act which necessitated Returns as to these matters being laid annually before Parliament has been successful; the victory of the public has been won, and this necessary apparatus has generally been adopted. A new issue has now arisen with reference to this serious matter of continuous brakes, owing to the same reason which led to the feeling as to interlocking, &c. I am willing to give every credit to the directors of Companies for their desire to do all they can; but I own that what has passed amongst them to-night would make me feel some little difficulty as to expecting agreement among them, unless subjected to some little pressure. Anyhow, the matter is far too serious to allow either Parliament or Government to wait indefinitely while the "battle of the brakes," as my hon. Friend the Member for Bolton (Mr. Hick) called it, is being fought out. Other countries are coming to a decision. The evidence on that point is very clear. Germany, France, and other countries, are rapidly settling what continuous brakes they will adopt; and there is no reason why the high sentiment and public spirit of our English directors should not also come to a decision, and soon put us in the forefront of all others. I trust, then, that they will take a wise and sensible view of the position; and I shall conclude by expressing the confident hope of soon being able to congratulate them upon the battle of the brakes being over, upon peace being established, and the public security largely enhanced.

MR. BENTINCK said, he could not endorse the view taken by the noble Lord, who appeared to be inclined to wait for accidents to happen, and then trust to a sense of shame to prevent their recurrence. That was but the policy of shutting the door after the horse was stolen. The noble Lord's objection to the Motion, on the ground that it would tie the companies down to one specified improvement, might be used as a plea against any kind of Parliamentary interference with the Railway Companies. The fact was too much overlooked that nine out of ten of the railway accidents which happened could be prevented by

proper legislation. The real cause of the great number of accidents was the excessive speed at which railway trains were allowed to run. The immediate cause was, no doubt, irregularity; but the speed rendered regularity impossible. Some years ago, the risk as between trains running at 60 miles and those running at 30 miles an hour was calculated, and it was found that where the speed of 60 miles an hour was resorted to, it became 100 to 1 that the passenger instead of arriving at his destination a little later with sound limbs would have terminated his journey on a shutter, as against the chances of accidents, at the speed of 30 miles an hour. It was said the travelling public would object to a diminution of the speed; but it was the duty of Parliament to interfere for the protection of lunatics, and the man who would risk his life in a rapid train was little better than a lunatic. He, therefore, hoped the Government would at once undertake the responsibility of initiating legislation to prevent the further sacrifice of human life.

ARMY—SOLDIERS IN UNIFORM.

OBSERVATIONS.

COLONEL MURE, who was precluded by the Rules of the House from Moving the following Amendment:—

"That an humble Address be presented to Her Majesty, praying Her Majesty to take such steps as may seem most fitting to secure to all persons wearing Her Majesty's uniform in the Army, Navy, Marines, or Auxiliary Forces, or other of Her Majesty's Services, all the rights, privileges, and immunity from special vexatious or exclusive regulations or practices as are enjoyed by Her Majesty's subjects not specially serving Her Majesty or enlisted in Her Majesty's sea or land forces, or wearing Her Majesty's uniform, in theatres, music, concert, or lecture halls, or other places of public resort under the control of the Lord Chamberlain, or licensed by magistrates, or under the control of any recognized authority, or in railways, trams, or steamboats, or other conveyances plying for hire, provided for the public use by companies or private persons under Acts of Parliament, or licensed by or under the control of magistrates of any other recognized authority;"

said, that in theory all persons were equal in this country, and those who had to manage the travelling arrangements of the country, or who conducted theatres, had no right to make any difference between any class of Her Majesty's subjects. Some years ago this question came before the House of Commons, not with regard to places of amusement or

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of travelling, but with respect to the liberty of soldiers to obtain seats in the Strangers' Gallery to hear the debates, like other persons. Two orders were given by two hon. Members, one to a soldier in the Royal Artillery, and the other to a soldier of the 17th Lancers; but when they presented themselves at the Gallery of the House of Commons they were refused admission, simply because they were attired in uniform. The matter was subsequently brought under the attention of the House. Lord Palmerston was Prime Minister at the time, and referred it to Lord Eversley, who was Speaker, and he said that although it was objectionable that soldiers wearing arms should be admitted, the objection did not apply to soldiers who did not wear arms. The consequence of that had been that soldiers had ever since been admitted to the Strangers' Gallery of the House of Commons when in uniform. In most foreign countries soldiers, instead of being subject to such insults and disabilities as they were in England, enjoyed particular privileges. They were allowed admission to the theatres at a lower rate than the general public, and they could travel in a superior class of carriage for a low rate. In this country, however, where it was most necessary to encourage good and respectable men to enter the Army, they found these curious disabilities existing. It might be said the reason was because, as at the time of the Duke of Wellington, the Army was recruited from the lowest class; but he was bound to say that reason no longer existed, and they ought to strive by every means in their power to put an end to the existing objectionable state of things. A few years ago, a corporal in the Coldstream Guards—a man of a somewhat superior character—married a young wife, who was also of a superior class. They were travelling together to the country, and the man desired to come over from Holyhead in the saloon of the steamer; but he was told that, while his wife could be allowed to do so, he could not be booked by the saloon, because he was attired in uniform. Another soldier had told him that on one occasion he formed one of a party of friends who applied for admission to the stalls of a theatre, and he was refused because he was in uniform, and he left the theatre in such a feeling that he was sorry he had ever entered the Army. The curious thing was, that

if that soldier had put on plain clothes, he might have gained admission to any part of the theatre for which he could afford to pay; but, immediately he presented himself in Her Majesty's uniform, he was denied admission. Similar instances might be quoted in reference to seamen serving in the Royal Navy. Surely, something should be done in order to prevent a recurrence in places of public resort of such cases as he had referred to. If soldiers and sailors possessed the means to bring their grievances before the Law Courts, they would, he believed, obtain redress; but, unfortunately, they were not sufficiently well off to resort to the legal tribunals. Perhaps the most painful part of the case which he was laying before the House was the fact that instances had occurred in which insult had been offered to the wearers of Her Majesty's uniform when in church. It would be difficult to find any place of regular public resort which was not in the Metropolis under the Lord Chamberlain, and in the Provinces under some local authority. It seemed to him that such outrages as were complained of might be prevented by the interference of the Lord Chamberlain and the local authorities. It was a shameful thing that men who, when leaving for foreign service, had been cheered to the echo by the public—men who, when abroad, fought with the utmost gallantry and devotion, behaving like heroes at Rorke's Drift and Isandlana—should, on their return home, be liable to receive insult and contumely. He could only compare that with the treatment by a man of the world of his mistress, whom in private he professed unbounded admiration and regard for, but whom he "cut" if he met her while he was in the company of his family. He hoped that his right hon. and gallant Friend the Secretary of State for War would give him a more satisfactory answer than that which had been so often made—namely, that the matter should be left to the good sense of the public. He wished strongly to impress on the Secretary of State for War the importance of taking some steps in the matter, either by framing bye-laws for places of amusement, or by providing in the licences granted for places of public resort, for the proper treatment of soldiers in uniform.

COLONEL STANLEY said, that as far as his personal feelings were concerned

he entirely sympathized with the object which his hon. and gallant Friend had in view. He was equally with him distressed at the instances he had brought forward, though he was not in a position to judge of the truth of the last analogy which the hon. and gallant Member drew as to the regard in which the soldier was held. This matter had been brought before the House on several occasions; but, with a right appreciation of its own powers, the House did not undertake more work than it could fulfil; and he could not at that moment see that any advantage could be derived, even if the Forms of Parliament permitted it, from an Address to Her Majesty, praying Her to take certain steps with regard to a question in which private interests and private arrangements were so largely concerned. The wearing of a red coat ought, no doubt, to be considered an honourable badge of service, and the man who wore it ought not to be precluded from anything that his position and means in civil life, were he a civilian, would entitle him to. He could not entirely endorse the opinion of his hon. and gallant Friend that the Government had the power either to interfere with the bye-laws of railways or the conditions on which licences were granted; but the matter was one which deserved consideration, and they were indebted to the hon. and gallant Member for pressing it again on the attention of the House and the Government. It was a fact within his own knowledge that non-commissioned officers had been precluded from entering into various places of amusement when wearing uniform, and it had struck him with surprise that those who were interested in the subject had not combined to see whether in point of law the managers of public entertainments had the power to enforce such regulations. Such a course would do far more to settle the question than any Parliamentary action. It would not be wise for Parliament to attempt to exercise its powers unless they were satisfied that it could be fully carried out. He would warn the managers of public entertainments and other persons concerned, that the time might come when the public would not be satisfied with the existing state of affairs, and when they would insist on some such steps being taken as those indicated by his hon. and gallant Friend. He trusted that his hon. and gallant Friend would

Colonel Stanley

accept his assurance of sympathy in the object he had in view, and rest content for the present with the public attention that had been directed to it.

SIR WALTER B. BARTELOTT observed, that his hon. and gallant Friend had done good service in bringing this subject under the consideration of the House, and he was well pleased at the answer that had been returned by his right hon. Friend the Secretary of State for War. The Army was composed of a better class of persons than was formerly the case, and he contended that the Queen's uniform, so far from disgracing them, was an honour to them. He believed that it would be seen and allowed that these men ought to be admitted wherever other persons of the same position were allowed to go, so long as they conducted themselves properly.

NAVY—CASE OF MR. JOHN CLARE.

OBSERVATIONS.

MR. BIGGAR, in rising to call attention to the claims of Mr. John Clare said, these claims were for various improvements alleged to have been introduced into iron ship-building, and adopted in the construction of Her Majesty's ships without due acknowledgment. As he could not move for a Committee on the present occasion, he should bring the case forward again and again until he succeeded in getting an independent inquiry into the justice of Mr. John Clare's claims.

MR. A. F. EGERTON said, that some years ago, when Mr. Clare sent in a statement of his claims to the Admiralty, the latter considered them on their merits and decided against them. Mr. Clare then brought an action before the Lord Chief Justice and a special jury, and claimed a large sum as compensation for inventions. His claims were disallowed, and he then made application for a new trial, which was unanimously refused. He afterwards petitioned the Queen, and that Petition was referred to the Admiralty, who subsequently referred it to the Home Office, stating that the matter had been already tried before the Lord Chief Justice, and that if Mr. Clare had claims which had not been decided upon, the Courts were open to him. A Motion for an inquiry into his grievance had been made in the House, and negatived. In 1874 he sent in a Memorial, which was referred to

the Law Officers of the Crown, who reported that he had no claim whatever. He (Mr. A. F. Egerton) believed Mr. Clare to be a very clever man; but, in the face of all these adverse decisions, he would be pardoned from entering into the details. He had great sympathy with Mr. Clare as a public inventor; but he had no case, and he was afraid the Admiralty could do nothing for him.

MR. PARNELL said, there was a good deal more in the case of Mr. Clare than the majority of the House supposed. Mr. Clare's invention was the first thing that rendered possible the building of our enormous iron-clads, and he (Mr. Parnell) regretted the position taken up by the Admiralty on the question. It would have been much more satisfactory if the merits of the case had been gone into by the Secretary to the Admiralty, for it would then have appeared how untenable was the position which the Admiralty had taken.

IRELAND—CARRICK-ON-SUIR BRIDGE.

OBSERVATIONS.

MR. O'DONNELL, in calling attention to the proposed blocking of the river trade of Carrick-on-Suir by the erection of a bridge below the town unprovided with a portcullis in place of the present bridge above the town, explained that the bridge which was about to be erected would have the effect of preventing ships discharging their cargoes at the town quays, which they could do at the present time. Such a proceeding was wanton and vexatious. The Grand Juries concerned had directed the works to which he objected quite oblivious to the interests of the town. It would be the same thing to build a bridge near the outlet of the Thames which would prevent shipping passing up to the City. It was impossible to get the authorities to review what they had done, for, like the famous Justices in the rhyme—"What they says they always says." They were told the Lord Lieutenant could give a remedy for the grievance; but it was entirely within his Excellency's discretion to re-consider these complicated plans, and he hoped the House would prevent the carrying out of the works which would condemn Carrick-on-Suir to hopeless failure.

MR. MELDON thought the subject had been most properly brought forward. It was a decided grievance. The matter

was one in which the Lord Lieutenant had ample jurisdiction to pronounce a decision, and suggested that, before any further steps were taken, the opinion of the Law Officers of the Crown with respect to it should be taken. He trusted that the Chief Secretary would take care that the matter was looked into, even if he could not give an assurance that the wishes of the inhabitants of Carrick-on-Suir would be yielded to, and that the bridge would not be built in the wanton manner proposed.

MR. J. LOWTHER said, the question had been referred to the Irish Law Officers, and in accordance with their opinion the Irish Government thought that they ought not to interfere with the decision of the judicial tribunal by whom the question of the new position of the bridge was considered. All persons interested had access to that tribunal, and its decision met with the approval of the great mass of the people concerned, although, no doubt, there were some who took a different view. He could not see from the papers that there was any reason to regret the course which was adopted in the matter by the Irish Government.

MAJOR NOLAN thought the Government were responsible, because they had made no practical efforts to reform the Grand Jury Laws, which would enable the people to prevent such things being done.

MR. JUSTIN M'CARTHY said, it seemed a most monstrous and preposterous thing that a Grand Jury—an irresponsible body, representing nobody—should have the power of interfering with the traffic and checking the development of a place that might otherwise come to be a seaport town.

MR. O'CONNOR POWER said, these were the instances which illustrated the deficiencies of local government in Ireland, and which should guide them in framing a system of local government more in accordance with the interests and feelings of the country. The great complaint against the Grand Jury system was that it continually perpetrated such jobs, and he called this a job without hesitation, because they could not be called to account by those who found the money. It would, from a sentimental point of view, be a thing which they should all deplore if the people were to blow up the middle arch of the obnoxious bridge pending the return of

a lucid interval to Her Majesty's Government when they should have sense enough to deal with this question. He appealed to the Government to give the terms of the legal decision which had been referred to.

THE ATTORNEY GENERAL FOR IRELAND (Mr. GIBSON) expressed his surprise at the tone of the debate, and spoke of the bridge as an improvement by substituting a new bridge for an old one. The whole matter had been fully considered, and there was now no power on the part of the Grand Jury or the Lord Lieutenant to re-open the question. On the merits of the question there was no reason why it should be re-opened. The usual traffic of Carrick-on-Suir was by means of barges, and a sea-going ship would be quite a novelty there.

Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*.

Committee deferred till Monday next.

CUSTOMS AND INLAND REVENUE BILL—[BILL 150.]

(Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.)

COMMITTEE. [Progress 9th June.]

Bill considered in Committee.

(In the Committee.)

MR. PARNELL thought it was very unreasonable for the Government to proceed with this Bill at that time of the evening. He submitted that it was not fair to ask hon. Members, and especially in view of the events of that evening, the Irish Members, to stop up until that time of night to enable the Government to inflict taxation on the people of a country, of whose interests they had shown themselves so entirely unmindful that evening. He did not consider he would be justified in remaining up any longer to pass this Bill, when the conduct of the Government in relation to Ireland had been scandalous in the extreme. The Government were not entitled to the assistance of Irish Members, when they had that night added another to the long list of instances of obstruction offered by the Government to Irish Business. He moved to report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Mr. Parnell.)

Mr. O'Connor Power

The Committee divided:—Ayes 5; Noes 94: Majority 89.—(Div. List. No. 118.)

Clauses 15 to 22, inclusive, *agreed to*.

Clause 23 (Provisions for the collection of income tax for the year 1880-81).

MR. LEIGHTON said, this Bill was intended to impose a tax on inhabited houses, but in reality it taxed uninhabited houses. He did not object to that, so long as all houses, whether inhabited or not, were subject to it. But last year, through the powerful influence of the Chambers of Commerce, all places of business where no one resided, except a care-taker, were freed from the tax, even although they were houses in which extremely large and profitable businesses were carried on. He proposed to place Mechanics' Institutions on the same footing. They were non-residential, except that a care-taker lived, sometimes, on the premises; the only difference between them that he could see was that whilst the houses of business belonged to the masters, these places were maintained by the men. The factory was a place for work, the Institute for culture and education. It was difficult to draw a distinction in principle between them, and most unwise to admit class exemptions, without applying the principle equally. His Amendment was not a claim for exemption from taxation, but a claim for equality in taxation. He hoped the Chancellor of the Exchequer would not meet him with any dilatory plea about the unwisdom of limiting the area of taxation. If that were a true argument, they ought to repeal the Act of last year, which first put into this annual Bill the exemption of houses of business.

Amendment proposed,

In page 9, at the end of the Clause, to add the words "Every house which is occupied as a Mechanics' Institute shall be exempted from Duties by the said Commissioners, upon proof of the fact to their satisfaction, and this exemption shall take effect although a servant or other person may dwell in such house for the protection thereof."—(Mr. Leighton.)

Question proposed, "That those words be there added."

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry that he could not accept the proposed Amendment. The fact was that this house tax might be frittered away by continual exemp-

tions following on exemptions. No sooner was a concession made than, instead of satisfaction being given, a new claim was immediately introduced. First of all, the tax was taken off houses occupied merely for business purposes, then it was removed from houses used merely for professional purposes, and then followed other exemptions. Every man said, "My case is as strong as my neighbour's," with the result that if that went on much longer they would have no tax at all. He could see no reason why Mechanics' Institutions should be exempted. They were, no doubt, most valuable institutions; but there was no clause exempting them which would not exempt also clubs, lecture-rooms, and all sorts of buildings of a similar character, until they got to clubs employed for social purposes, and rooms also used for artistic and social purposes. He was sorry he could not consent to this Amendment; but, to his mind, its object was to carry still further a system of exemption, which had already proceeded far too rapidly, and which they ought to try and check rather than extend.

MR. CHAMBERLAIN understood that this exemption already applied to warehouses where a servant slept all night, or, at least, that they were only charged at the value of a house, such as a person of that position might be supposed to sleep in, and not on the rateable value of the whole premises. The grievance complained of here was, that a working man in charge of one of these Mechanics' Institutions, who, under ordinary circumstances, would live in a house of the value, say, of £10, submitted the institution, by the mere fact of his living there, to a charge on the rateable value of the whole place, which was, perhaps, £200 or £300. Why this should be so he could not understand. They were not asking for a new exemption, or that the principle of exemption should be carried any further. They merely asked that a principle already adopted and acted upon in one case should be applied to another exactly similar, and very deserving of the attention of the Committee.

MR. COURTNEY thought the case might be carried even further, though he spoke with some diffidence on the subject, because he was very imperfectly informed on the matter. If he understood the law aright, a house occupied for purposes of science and art was ex-

empt from house duty, provided it was exclusively so occupied. A case of that kind was, he remembered, tried some time ago. The Philosophic Society of Cambridge had been exempt under that rule for a very long time; but the duty was subsequently charged on the ground that the Society did not come within the scope of the exemption, because one of the rooms was used as a reading room. He understood that places used for Mechanics' Institutions were exempt, if no one lived on the premises. Further, if a person lived on business premises simply as a care-taker, he understood that the premises were exempt from duty, except as to a small amount. If that was the case in regard to business premises, he could not see why the same exemption should not be extended to Mechanics' Institutions. It was not a question of the extension of an exemption, it was merely the application of a principle already adopted. For his part, he thought it was rather to the interest of the Chancellor of the Exchequer to encourage proposals which would place assessments on a definite, intelligible footing; because he might, by-and-bye, find this tax a strong weapon in his hands, as the tax was a much less objectionable one than the Income Tax. He wished to know if the law had been rightly interpreted; for if it had, he thought a very strong case had been made out.

SIR JULIAN GOLDSMID thought some further answer was required from the Chancellor of the Exchequer. He could quite understand that the Chancellor of the Exchequer was unwilling to give up any portion of his Revenue when he had a falling Revenue to deal with; but the demand now made was so modest, and so exactly on a principle laid down by the Chancellor of the Exchequer himself, that to reply, as the Chancellor of the Exchequer had done, that he was unwilling to give up the tax, was hardly sufficient. He believed these Mechanics' Institutes did much for the Revenue in another way, for they promoted in a man that feeling of respect for himself, of sobriety and uprightness, which, of course, it was the desire of the Chancellor of the Exchequer, as far as possible, to promote. That being so, the very small amount given up by this proposed remission was hardly worth considering. It had been established that when a person lived in an otherwise uninhabited

house of business merely for the purpose of taking care of it, he was not compelled to pay the full amount of the duty on the value of the house. That being so, some other answer, besides the fact that the Chancellor of the Exchequer was unwilling to give up this tax, was necessary to explain why a difference was made between houses of business and Mechanics' Institutions.

THE CHANCELLOR OF THE EXCHEQUER said, he did not precisely know what the point was to which the hon. Baronet alluded; but there seemed to him to be a considerable difference between the case dealt with last year and that now before them. The object then was to do justice as between different classes of traders. One class lived in the house in which they carried on their business; while others lived in the suburbs, and left their business houses to care-takers. The alteration was made, therefore, to put the two cases on an equality. But in the case of Mechanics' Institutions, and other buildings more or less cognate, that argument did not apply. Of course, they might say that a certain class of building ought to be exempt; but then that could be carried on from Mechanics' Institutions to all the Clubs of London, and any other institutions which were in any way analogous or cognate. It would be a great pity to fritter away taxes in that way. To grant this exemption now would only pave the way for further deductions in the future, a thing which the House ought by no means to encourage. He saw no reason for making this special concession, and, therefore, could not concede it.

MR. CHAMBERLAIN begged to point out that the Chancellor of the Exchequer had not yet answered the Question as to what was now the state of the law with regard to Scientific Institutions. He should also like to know what was the case with schools? A care-taker resided in a great many schools; but he did not think in those cases that the tax was levied on the full rateable value.

THE SOLICITOR GENERAL (SIR HARDINGE GIFFARD) said, the principle on which the tax was based was very plain. The tax was on inhabited houses, and the various exceptions were recited in the Preamble. First, premises occupied solely for the purposes of trade were exempt. Then came the further

exemption of houses used and occupied in the greater part for the purposes of trade, but occupied also by a care-taker. Then came a further exemption of houses occupied for certain professions; and now it was sought to extend the exemption further than it had ever been carried before, and to include houses which were neither occupied for trades nor for professions. Until these Mechanics' Institutions were brought within the present law, the tax must apply. Of course, if no one lived there, they were exempt, and did not come within the purview of the tax.

MR. CHAMBERLAIN asked the state of the law with regard to schools and museums?

THE SOLICITOR GENERAL (SIR HARDINGE GIFFORD) said, they were exempt, because they were not inhabited houses.

MR. E. J. REED asked if a Philosophical Society was subject to the tax where a care-taker resided on the premises? Because, if it was, then the distinction between it and the Mechanics' Institutions seemed too fine a one to be drawn. In many instances that he knew of, a Mechanics' Institute was a purely Scientific or Philosophical Society. A peculiar claim might also be made on behalf of these institutions, as they were mainly supported by the working classes.

THE CHANCELLOR OF THE EXCHEQUER thought this was hardly a point to be urged; for the houses in which the labouring classes lived were below the level of the tax, and the labouring classes were also exempt from Income Tax. If Mechanics' Institutions were exempt, he did not see how they could fail from applying the principle to all other places cognate in character, though they might be in the hands of much wealthier persons.

MR. E. J. REED denied that there was any connection between these places and clubs. They were entirely different in character, and it would be quite impossible to include the one with the other.

MR. GILES said, he agreed with the Chancellor of the Exchequer. Certainly, if Mechanics' Institutions were to be exempt, there could be no reason for refusing exemption to many other similar institutions.

MR. O'CONNOR POWER thought the request made by the Mover of the

Motion a very reasonable one, and he presumed it would not have been made if it had not represented a practical inconvenience. He presumed the hon. Member knew what the state of the law was as to these Philosophical Societies, and he wished that he would tell them his view of it.

MR. LEIGHTON said, that the ground on which the alteration in favour of houses of business was made last year was that these houses were not really occupied as places of residence. It seemed to him that the Mechanics' Institutes were on exactly the same footing.

Question put.

The Committee *divided*:—Ayes 30; Noes 55: Majority 25.—(Div. List, No. 119.)

SIR HENRY SELWIN-IBBETSON said, he proposed to withdraw the clause, as it had been represented to him, since its introduction, that it would be exceedingly inconvenient, and would materially interfere with a great many persons. He would afterwards propose an Amendment enabling the Inland Revenue to appoint.

Clause, by leave, *withdrawn*.

Clause 24 (Appointment of collectors for income tax under Schedules (A.) and (B.) and land tax and inhabited house duties).

MR. STANTON asked for some explanation of Sub-section 3. It seemed rather strange to say that if in any year an office was not filled up the appointment should lapse. Would it not be much better to put it in the hands of the Commissioners of Inland Revenue once for all?

SIR HENRY SELWIN-IBBETSON, replied, that complaints were constantly made by persons forced to serve of the hardship imposed on them, and therefore the Bill allowed the Inland Commissioners, on persons refusing to serve, to appoint collectors. At present, the collectors were appointed by the localities, and they got a percentage for collection of the duty. The Government proposed to appoint their own officers to do the work; but it would, of course, be manifestly unfair to dispossess persons who had given up their incomes to take this work. Therefore, the power of appointment would still remain in the

localities; and only when they had refused to exercise it, would it revert to the Department. But when it had once done so, the localities would never again have the power of appointment; because, otherwise, Government might go to the expense of appointing a staff of officers one year, and find itself saddled with them and their pensions the next.

MR. THOMSON HANKEY said, it simply came to this—that the collectors would be appointed as before; and only in the event of their refusal to serve, or not caring about the work, would the Commissioners undertake the work.

MR. WHITWELL knew the task of collection to be very repulsive to many individuals who were appointed. He wished to know whether the appointments would still be compulsory?

SIR HENRY SELWIN-IBBETSON replied, that the localities would exercise their powers just as before, but the collectors might refuse to serve; and in the event of the office not being filled up before the date mentioned, the Government would undertake the work.

Clause *agreed to*.

PART IV.

Excise.

Clause 25 (Police proceedings for penalties in relation to dogs).

MR. DODSON observed, that certain words at the end of the clause included the Small Penalties Act of 1865, although in that Act it was declared that its provisions should not apply to any penalties imposed by any Act relating to the Inland Revenue. Therefore, they were incorporating an Act which did not apply. Had they not better leave those words out, especially, as to make the complications more complete, they were about to pass a measure (The Summary Jurisdiction Bill) which repealed the Small Penalties Act?

SIR DAVID WEDDERBURN said, by the Act of 1878, dogs kept by farmers and shepherds for tending sheep and cattle were exempted from the tax; but that exemption did not apply to dogs kept for the same purpose by graziers, dairymen, and butchers. He would ask whether the same rule ought not to apply? He agreed with the Chancellor of the Exchequer about the unwisdom of extending exemptions; but in this case the exemption was of dogs kept for

leading sheep and cattle, not of dogs kept by farmers and shepherds.

THE CHANCELLOR OF THE EXCHEQUER replied, that this case very fairly illustrated the mischief arising from exemptions. He could only say that this matter was fully discussed, and the words in the Act represented the decision of the House; while, if they were to go on making and extending exemptions, he did not know where they would stop. No doubt, there were many persons who kept dogs simply for their usefulness; but it had been thought wise to make the exemption stop where it did.

MR. WHITWELL pointed out that the police prosecuted in cases where licences had not been taken out, acting under the direction of the Inland Revenue Office; but if they failed to secure a conviction, then the cost fell upon the Police Fund. He thought this was unfair, and ought to be altered.

MR. THOMSON HANKEY said, but for this system there would be no check on prosecutions. It worked very well, for he had had many cases before him, and the police never failed to secure a conviction.

THE SOLICITOR GENERAL (SIR HARDINGE GIFFARD), in answer to the right hon. Gentleman the Member for Chester (Mr. Dodson) explained that these words were put in to settle a doubt as to the present law. It was doubtful whether the prosecutions should be under the Police Act or Jarvis's Act, and these words were inserted for the purpose of clearing up the matter.

MR. DODSON remarked, that the clause gave the Justices power to act under the Small Penalties Act, although in the 7th clause of the Act it was enacted that it should not apply to any Revenue case. Therefore, in order to make the matter clear, and to avoid ambiguity, they ought to add the words "notwithstanding anything contained in the seventh clause of the Act."

Clause agreed to.

SIR HENRY SELWIN-IBBETSON moved, in page 10, after Clause 24, to insert the following Clause:—

(Parishes formed for Poor Law purposes may be made parishes for the purposes of certain taxes.)

"Where in England under the authority of Parliament any part of a parish or place has been formed into a new parish or place for the

purposes of Poor Law administration, or any parish or place, or part of a parish or place, has been amalgamated with or included within the boundaries of another parish or place for the said purposes, the Commissioners of Inland Revenue may, if in their discretion they think fit, by order in writing, direct that such new parish or place, or such parish or place with which, or within the boundaries of which any parish or place, or part of a parish or place has been amalgamated or included, shall be a parish or place for which a separate assessment of the Inhabited House Duties and of the Duties of Income Tax shall be made, and for which assessors and collectors may be appointed for the purpose of assessing and collecting the said Duties.

"In case any parish or place or part of a parish or place in the jurisdiction of one body of Commissioners of Income Tax is amalgamated with or included within the boundaries of a parish or place in the jurisdiction of another body of Commissioners of Income Tax, such order shall have the effect of transferring the jurisdiction to such last-mentioned body."

The hon. Gentleman said, the object of the clause was to enable the Inland Revenue, as far as possible, to make the areas of Imperial and local taxation co-extensive. Some time ago the Local Government Board acquired statutory powers to adjust boundaries, and it was desirable that the Inland Revenue Department should have power to make similar charges. A case in point had recently occurred in the neighbourhood of Hull, where some common land belonging to various parties had been built on and made into a populous district. The Local Government Board had made that into a separate parish; and, of course, it was necessary that the Inland Revenue Board should have power to make their areas correspond.

Clause agreed to, and added to the Bill.

MR. J. G. HUBBARD moved, in page 10, after Clause 24, to insert the following Clause:—

(Particulars of demand note.)

"The collectors of House Duty and Income Tax under Schedules (A) and (B) shall in the demand note delivered previous to payment, and in the receipt given subsequently to payment of the Duty or Tax, distinctly describe the property and specify the amount of the assessment and the rate at which the Duty or Tax is charged upon such assessment."

The right hon. Gentleman said, that the proposal was so obviously just and fair, that he did not suppose his proposition would be resisted. On the demand note for taxes was merely at present given the name and amount, and the receipt

Sir David Wedderburn

received from South Africa, and he could say that the greatest dissatisfaction prevailed there at the conduct of some of the military authorities in reference to this matter. It was not always that the good disposition of the War Office was able to manifest itself in its subordinates, when they were at such a distance from London. Nothing but the word of the right hon. and gallant Gentleman the Secretary of State for War, sent out to the spot, would cause his wishes to be attended to. He trusted the right hon. and gallant Gentleman would be able to assure the Committee that he would send out instructions on the subject. By the accounts he (Mr. Sullivan) had received from trustworthy sources, he knew that the military authorities treated in a very off-hand manner, and with scant courtesy, any applications as to the spiritual wants of the Catholic soldiers, who were shedding their blood under their colours in South Africa.

MR. O'DONNELL said, that under that Vote he wished to make a complaint and ask for information. He noticed an item for the payment of clergymen performing divine service for military prisoners. He was informed that at a very recent period, in the gaol at Taunton, there were between 50 and 60 Catholic military prisoners; but that there was no provision whatever for service for them. The military prisoners of the other religions had every opportunity for assisting in divine worship, and did, in fact, on Sunday, attend the ministrations of their clergyman. The Catholic prisoners were strictly locked up on Sundays; while their comrades were able to attend church. He knew this state of affairs existed until a short time ago, and he was not sure that it had been remedied. He trusted that it had. If the present was an inconvenient time at which to ask for information on the subject, he should be glad to postpone the question.

COLONEL STANLEY said, that hon. Gentlemen would very materially assist them in carrying out that which was their wish and the wish of the Committee, if they would forward to him any instances, properly authenticated, such as that cited by the hon. Member for Dungarvan (Mr. O'Donnell). In cases of this description, he uniformly caused inquiry to be made. With regard to

the present matter, he had to state that there was a standing rule that payments were made for officiating clergymen wherever there was a certain number of people of a particular religion to be provided for. There had been either some misrepresentation, or some fact had not been made known which prevented the usual rule applying in this instance. He should be glad if the hon. Gentleman would kindly forward him particulars of the case, and he would inquire into it. With regard to the Cape, what he wished to be understood was this—that he was not adverse to meet the spiritual wants of either the officers or men as far as possible; but that information had been given to him to the effect that there were already at the Cape a sufficient number of clergymen of the various persuasions who could perform the duties of military chaplains. Inasmuch as these clergymen were on the spot, he did not consider it for the advantage of the public or of the men themselves to send out others, so that there would be two people to do the work of one.

Vote agreed to.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £29,400, be granted to Her Majesty, to defray the Charge for the Administration of Military Law, which will come in course of payment during the year ending on the 31st day of March 1880."

MAJOR O'BEIRNE moved the reduction of the Vote by £2,000, the pay of the Judge Advocate General. He pointed out that in the evidence given before the Select Committee on the Army Discipline Bill it was stated by Mr. O'Dowd that the opinion of the Judge Advocate General had no legal effect whatever; that the Commander-in-Chief could set aside the opinion of the Judge Advocate General. If that were the case, he could not see the use of the appointment.

Motion made, and Question proposed,

"That the Item of £2,000, for the Salary of the Judge Advocate General, be omitted from the proposed Vote."—(Major O'Beirne.)

COLONEL STANLEY said, the Committee would well understand that the right hon. and learned Gentleman was present and ready to answer all matters connected with his Department; but they would easily see why the duty of explaining the Vote and of showing its

Committee—Report—Convention (Ireland) Act Repeal (77); Costs Taxation (House of Commons) (99).*

Third Reading—Local Government (Ireland) Provisional Orders (Waterford, &c.) (91); Public Health (Scotland) Provisional Order (Bothwell)* (92); West India Loans* (85), and passed.*

CHURCH OF ENGLAND—THE CHAPTER
OF YORK CATHEDRAL—CASE OF THE
REV. JAMES FLEMING.

OBSERVATIONS. QUESTION.

LORD HAMPTON, in rising to call attention to the painful position of the Reverend James Fleming, as a canon residentiary of York Cathedral, in being deprived of the rights and privileges of a member of the chapter; and to ask the First Lord of the Treasury whether the difficulties which have arisen with respect to Canon Fleming's position will be referred for consideration by the proposed Royal Commission, said, that Canon Fleming now found himself in a very painful, as well as unprecedented position; and in order to avoid the consequences of that position, he was contemplating a resignation of the office which he had received from the Crown. The public generally were aware of the fact that in cathedrals of the old foundation the office of canon residentiary was composed of two parts—the one the canonry, and the other the prebendary, the latter of which gave to the canon residentiary his rights to a seat in the chapter. York Cathedral was one of the old foundations; but it had been the invariable custom, when a canon residentiary fell vacant, for one person to be appointed to both the canonry and the prebendary. By ancient custom rather than by law, when a clergyman was promoted to a Bishopric, the appointment to fill up the vacancy caused by the promotion fell to the Crown. The Crown appointed the Rev. James Fleming to the canonry, but the most rev. Primate (the Archbishop of York) intervened, and appointed the hon. and rev. Mr. Forester to the prebendal stall which had been vacated by the promotion to the Bishopric. He (Lord Hampton) believed he might say, without fear of contradiction, that the course taken by the most rev. Primate, whatever might have been his motives, or his views of the question, was entirely without precedent—that there had been no case in which, upon the filling of the

residentiaryship of York, there had been any separation between the prebend and the residentiaryship, which together made up the position of canon residentiary of York. He thought there could be but one feeling—that this was a state of things inconsistent with the high ecclesiastical rank of the Cathedral Church of York. He could not but believe there must be some misapprehension with regard to this case. The most rev. Primate could not have contemplated that Canon Fleming would be deprived of the rights and privileges of a member of the chapter; but Mr. Fleming had not been able to exercise the right to preach in his turn in the cathedral, and it was doubtful even whether his vote in the chapter had been recorded. He thought their Lordships would agree that this state of things in the cathedral ought not to exist. The question, then was, what was the remedy for such a state of affairs? He had been informed on high authority that the proper thing to do was to apply to the Court of Queen's Bench to issue a *mandamus* to the dean and chapter of York; but he would venture to suggest a remedy free from any of the anxiety attending a *mandamus*, and which required no suit at law. His remedy was that there should be a conciliatory reconsideration of the case, and the most rev. Primate should appoint Canon Fleming to the next prebendal vacancy. He was supported in his view by a letter he had received from one of the deans of the old foundation. The letter stated—

“I hold that the Bishop or the Crown have a perfect right to nominate any spiritual person, although not a prebendary, to a vacant canon residentiaryship. It is of great importance to the Bishop and the Crown to contend for this privilege, for it widens the area of their choice. But this granted, I submit it is well for the Bishop to give a prebendal stall to such an incoming canon (whether appointed by the Crown or by himself) as soon as possible, and so reduce any conflict between 3 & 4 *Vict.* and the statutes of an old foundation cathedral as much as possible. It would be well to join a prebendal stall indissolubly with each canon residentiaryship, so that they might fall vacant together, and a new canon (whether appointed by the Bishop or the Crown) become at once a member of the prebendal body.”

In conclusion, he begged to ask the First Lord of the Treasury, Whether the difficulties which had arisen with respect to Canon Fleming's position would be referred for consideration by the proposed Royal Commission?

THE EARL OF BEACONSFIELD: There can be no doubt that this is, as my noble Friend (Lord Hampton) has said, a complicated case; but it is only complicated by matters being introduced into its consideration which really have nothing to do with the point which we have to decide. The case to which my noble Friend has called the attention of your Lordships cannot, as he has said, be fairly understood without some reference to a previous appointment to a canonry in the same chapter of York. When Dr. Basil Jones was appointed to the See of Llandaff, the prebendal stall and residentiary canonry, together with the chancellorship of the cathedral, which he had held, became vacant; and I asked the most rev. Primate the Archbishop of the Province (the Archbishop of York) as to the order in which the three appointments should be filled up. The answer which I received was that the prebend was to be filled first, then the chancellorship of the cathedral, and next the canonry. I then instructed the Secretary of State to take the necessary steps; but when it came for the most rev. Primate to perform his part of the duty, he reversed the order which he had recommended me to adopt, and nominated the hon. and rev. Mr. Forester to the canonry, before he issued his mandate for the appointment of the same hon. and rev. gentleman to a prebendal stall and to the chancellorship of the cathedral. Since then, the Chapter have demurred to the order in which the appointments were made, and not only questioned the propriety of what had been done, but absolutely declared that under no circumstances should any clergyman be appointed to a canonry who had not previously been a prebend of the cathedral. This course being one which, if correct, would have limited the power of the Crown as patron, which power it was my duty to defend, I caused a case to be submitted to the Law Officers of the Crown. They considered it, and they decided that the course taken by the Chapter was quite erroneous—that an Act had passed—the 2 & 3 *Vict. c. 113*—which had terminated the qualification for holding a canonry which the Chapter had insisted upon, they themselves being probably not aware of the existence of such an Act. But the matter had been decided, and as illus-

trative of the law which they laid down, the Law Officers referred to a then recent case, the "*Queen v. the Dean of Hereford*." All this was communicated to the Chapter, and no further difficulties occurred. Canon Forester was appointed, and enjoyed his rights and privileges as a canon. A remarkable circumstance is that a considerable time afterwards—some months subsequently—I received a letter from the most rev. Primate the Archbishop of the Province, informing me that he had, in the first instance, from want of knowledge, given me inaccurate advice as to the order of the appointments; and that he was advised that by the law, as it now stood, the appointment of every prebend not in receipt of emolument was reserved to the Archbishop. That was rather a startling announcement, and as the only object which the Government could have was to ascertain the truth and to defend the just Prerogative of the Crown, I thought the best course to adopt was again to submit the new point to the Law Officers. They considered it, and they decided that the Archbishop was quite right in his interpretation of the law. It appears that after the Act which I have already quoted was placed upon the Statute Book—either in the following year, or two years afterwards, in the reign of her present Majesty—an Act was passed which reserved, as the Archbishop stated, all the prebendaries not connected with emolument to the Archbishop. There was no controversy at the time to which I am now referring, the question as to Canon Forester having been settled; but, shortly after this, another vacancy occurred by Her Majesty nominating Dr. Thorold to the See of Rochester. He was canon residentiary of the Chapter of York. At that time, the most rev. Primate wrote to me announcing that he should exercise his privilege, which was not contested; and after the Law Officers had given their decision, I felt it my duty to write to him, acknowledging that the position which he had adopted was recognized by the Government, and that, in future, I certainly should not contest the appointments. By the appointment of Dr. Thorold, a canon residentiaryship became vacant. The Archbishop wrote to me to say that, in accordance with his previous announcement, with the opinion of the Law Officers, and with

my letter which had sanctioned the course, he should exercise his privilege and appoint a prebendary—leaving me, of course, to avail myself of the right of exercising, with the consent of Her Majesty, the Royal Prerogative of appointment to the canonry. Under these circumstances, I felt it my duty to recommend Her Majesty to appoint Dr. Fleming to the canonry, in recognition of his great ability, zeal, and high character, and in a full conviction that he would do further honour to the sacred Order, of which he was already a distinguished member. This being so, one would have thought that if the Chapter held the strong opinions which my noble Friend now attributes to them they would have called a meeting, and, after arriving at some strong opinion, would have communicated it to me; but they did nothing of the kind, and, as far as I know, the only thing done was a few individual protests until after the canon had been installed, and then the Chapter expressed their opinion that their views should be submitted to the Law Officers of the Crown. Your Lordships must be aware that it is not customary to allow strangers to submit their cases, as matter of course, to the Law Officers of the Crown. Generally, it is considered to be the privilege of Her Majesty's Ministers, when in doubt, to fall back upon those gentlemen; but I knew that corporations, and especially ecclesiastical corporations, are of a sensitive character, and, therefore, I determined to meet their views in every possible manner. I wrote to the Chapter of York, telling them that if they would have their case prepared by themselves it should be submitted to the Law Officers, and that I would authorize some gentleman, on their part, to see all the papers and to inspect the opinions when they were given. The Law Officers decided distinctly against the position which the Dean and Chapter of York had taken up. They decided according to what they considered to be the clear intention of the Act referred to by the most rev. Primate—not viewing it in any way as a question on which there could be any doubt. I think your Lordships will be rather astonished that the matter did not then rest; because, although it was not a formal arbitration, yet still one might have morally expected that the decision of the Law

Officers would have been accepted by the Chapter. But that was not the case. The opinion given by the Law Officers was entirely adverse to the claim of the Dean and Chapter, and instead of submitting to it, they passed at last this resolution—

“That the recent appointment of the Rev. James Fleming to the office of canon residentiary, he not having been previously appointed a member of the prebendary body, is, in the opinion of high legal authorities, consulted at different times by the Dean and Chapter of York, likely seriously to affect the constitution of the cathedral. The Dean and Chapter, therefore, deem it expedient that the points in debate should be referred to a Court of Law, so that a conclusive decision may be obtained on a matter of such importance.”

What were we to do under these circumstances? There was only one interpretation to put upon them. We were perfectly ready that the matter should be settled by a Court of Law, if the decision of such a Court was deemed necessary by the Dean and Chapter. I called upon the Solicitor to the Treasury to put himself into communication with the legal advisers of the Chapter, so as to see how the matter could be brought before the Queen's Bench. A long time elapsed, and much correspondence passed between the Solicitor to the Treasury and persons on behalf of the Chapter; and, after a long time, the Solicitor to the Treasury said that it was totally impossible to induce the Chapter of York to agree to any basis upon which a legal point could be raised and the decision of the High Court arrived at, and that it was quite clear to him that they had no wish to have the decision of a Court of Law. They were, in fact—

“Willing to wound, and yet afraid to strike.”

Your Lordships should observe that it was the Dean and Chapter who first started the idea of having the decision of a Court of Law. It was not Her Majesty's Government. I should mention that nothing could be so simple as to obtain a legal decision. The Dean and Chapter had only to refuse Canon Fleming a vote upon any occasion when a vote was taken in the Chapter, or to inhibit him from preaching, and the whole question could then have been submitted to the Court of Queen's Bench. The Dean and Chapter, however, would never make any movement of the kind; and as Her Majesty's Government were

advised by the Law Officers of the Crown that the appointment of Mr. Fleming to the canonry was perfectly legal, they declined to take any further step. Certainly, when I heard from my noble Friend that the question which he has brought before your Lordships is a most painful question, and that there is a chance, in consequence of its having been raised, of Canon Fleming's resigning the important and well-deserved preferment which he has gained, I must say that nothing could give me more pain than if a man so distinguished were by any misunderstanding between the most rev. Primate the Archbishop of the Province and the Dean and Chapter to be deprived of a position which he is calculated eminently to adorn. I will ask your Lordships' permission to read a few questions which I have placed upon paper, and which will make the exact situation of affairs clear. Are the privileges of Canon Fleming denied? First, as to his vote. In a letter dated the 3rd of October, 1877, Mr. Fleming writes—

"I claimed my place in the chapter to-day and voted. The Dean allowed me to vote, for I asked him whether he acknowledged my vote, and he replied 'Certainly.'"

As to Mr. Fleming's stipend, he has always been paid a stipend. As to his residence, he has resided regularly. As to his preaching — and this is important, for he is one of the most eloquent preachers I have ever listened to — well, Mr. Fleming has preached, though there did appear an anonymous paragraph which said that he did so only by courtesy, but which was not traced to any authority. The Law Officers assert that Canon Fleming's admission has been complete and formal, and that no complaint can be made based upon the form of the oaths of admission. Under these circumstances, what is the conclusion that it seems must inevitably be drawn? It is that Mr. Fleming is as good a canon as any canon of any cathedral, and that he enjoys all his privileges. As to the conduct of the most rev. Primate the Archbishop of the Province, it is clear that, as far as his communication with the Government has gone, he has acted under legal advice. My Lords, I can only say, if Mr. Fleming is placed in a painful position, that I am here to defend him; and that if his rights and privileges are not admitted or, at least,

are denied him by the Dean and Chapter, I am ready to advise that he shall have those rights and privileges asserted. Before I do so, however, his rights must be denied him. The Dean and Chapter have involved us in a most painful and lengthy correspondence—painful, only, because it is lengthy; but they have no case whatever. They are really setting up the memory of an ancient custom against the statute law of the Realm. No one can be more interested than myself in Mr. Fleming's possession of all his rights and privileges, as I am responsible for having advised the Crown to nominate that gentleman to his post. I believe he will be an honour to the position which he occupies; and if any member of the Chapter of York attacks his rights and privileges—if they prevent him from voting when there is a meeting of the Chapter, or if they prevent him from residing or preaching, or in any way impugn the undoubted and legal rights which he possesses as canon residentiary of York—I am the person who will be first ready to take up his cause.

THE ARCHBISHOP OF YORK said, he only rose to say a few words, lest the noble Lord who had brought this subject before the House (Lord Hampton) should think his silence disrespectful. This was not a new controversy, for it had, in fact, been going on for 15 years. He would quote several instances which showed that that was the case. The first occurred in 1864, when the Dean and Chapter ignored the Act of Parliament altogether, and elected a canon by the old process, under which nobody was collated as a residentiary canon, but under which one went through the process of "protesting one's residence," and thus became a residentiary canon. The Act of Parliament provided that any priest who had been in Priest's Orders for six years could be collated a canon residentiary; but the Dean and Chapter preferred their own custom of only making prebendaries canons residentiary. He had taken legal advice in reference to this matter, and those whom he had consulted, in every case said that the statute, in its plain, obvious meaning, did away with the ancient custom. Dr. Jones was collated in July, 1873, but not installed, and the same course was adopted in the next case—namely, that of Dr. Thorold in February,

1874. In that which followed, Mr. Forester was admitted in December, 1874, and without being a prebendary he was installed—the first case of the kind on record. But there, it was known that if installation was refused, legal proceedings would be adopted; and then followed the case so fully explained by the noble Earl (the Earl of Beaconsfield). The question, which had just been so luminously dealt with, might be reduced to this—had a canon so appointed a right to vote in chapter, and whether any but residentiary canons had a right to vote? In the Act it was provided that a “canon” should be understood throughout as a “residentiary canon,” and it would be seen by the Act that he had full power to vote in the chapter. In the present case, the Dean and Chapter obtained a doubtful opinion from Sir Robert Phillimore on the whole case; but, in reply to the question—

“Would such residentiary become by virtue of his office a member of Chapter, not having ever been elected to a vacant prebend—in fact, has the Archbishop of York the power to increase the number of members of the chapter?”—He said—“I incline to the opinion that he would be a member of the Chapter.”

He (the Archbishop of York) had been applied to as to whether he would not present Mr. Fleming to the vacant prebend. Well, he did not see how his doing so would remove the difficulty. In 1877 Mr. Fleming voted, and he either voted in his right, or he did not. If he did not vote in his own right, he was an intruder; and his receiving, in 1879, a perfect appointment would not mend the matter. It was not a question whether he had the right of appointment, or the Crown, or the Dean and Chapter; the question was, whether the matter was to remain in a state of muddle? He had asked Mr. Fleming whether his vote was taken, and he said that there was so much confusion, so many people were talking at once, that he could not say whether his vote had or had not been taken. Then he asked the same question of the dean, and he replied that he had prepared a statement, which he would send him, and it was sent to him, and to many of their Lordships as well. It made out that he (the Archbishop of York) had done some very sad things, with very painful effects; but it did not say a word as to whether Mr. Fleming had voted. In their cor-

respondence with the noble Earl at the head of the Government (the Earl of Beaconsfield), the Dean and Chapter used some expression of this kind—“We cannot admit we have done what we have not done”—that was, they could not admit that they had refused the vote. Well, according to that, Mr. Fleming had his vote; and, in one point, he had taken the matter in rather a wrong point of view. He was a man of great eminence, and the choice of the Crown might well fall upon him. Since Mr. Fleming had been in York, notwithstanding the somewhat cold and suspicious atmosphere of the place, no person had so rapidly gained the hearts and affections of the people as Mr. Fleming had. He was not aware that he had been forbidden to preach; but if that were so, he (the Archbishop of York) would undertake to find him enough preaching within the ambit of York to last him till that time next year. But Mr. Fleming had taken the matter in the painful point of view. After all, it was a principle of law. Why had he not appointed Mr. Fleming to the vacant prebendal stall? Because there was not the least necessity for it. He had now every possible privilege he could then have; and it was not desirable, after 15 years, that this dispute should be prolonged. Up to his appointment, he had not seen Mr. Fleming, though he had known him very well ever since. He could not appoint a clergyman he did not know. The Crown looked over a broader space; he was concerned only with his own diocese, and appointed Mr. Landon, who bore a distinguished name. The question, as he said, was one of dry law, and it was very undesirable that this scandal, for it had almost become a scandal, should go on festering among them. The course taken by the Crown appeared to him to be perfectly straightforward and reasonable. The Dean and Chapter had been offered every facility for raising the question, and they had refused to do so. It was for their Lordships to say whether the case was one for a new Act of Parliament. For his part, a new Act did not appear to be necessary. There was another case which was on all fours with the present, that of the Dean and Chapter of Chichester. The Dean and Chapter belonged to an old cathedral. The present Bishop took precisely the same course he (the Arch-

bishop of York) adopted when, in 1870, a canonry and prebend became vacant. He wished to make two appointments, and give them to men of merit. A correspondent of *The Times* said about that case—

“As at York, there was no stall appropriated to a canon residentiary; but the Dean and Chapter made arrangements for a stall. As at York, there was no preaching turn for a canon residentiary; but Mr. B., like his brethren, supplied, in his turn, the place of an absenting prebendary. The difference between York under Dean Duncombe, and Chichester under Dean Hook, seems to be this. The Chapters of both cathedrals have been aware of their power of raising an obstruction; the Chapter of York showed their ability in making the most of it, the Chapter of Chichester in breaking it down.”

Well, what occurred at Chichester was either a great violation of the Act of Parliament, or it interpreted the law quite sufficiently for their guidance. The difficulties in the case of York had been artificially raised, and were not much worthy of their Lordships' attention.

LORD HAMPTON, who was inaudible, said a few words in reply.

HARES (IRELAND) BILL.

(*The Viscount Massereene.*)

(NO. 89.) COMMITTEE.

House in Committee (according to Order).

EARL SPENCER said, that this was a Bill for making a close time in Ireland for hares, and he would like to have some explanation from those who had charge of the Bill as to the necessity for such a measure, which would make the law in Ireland different to that in England, and might lead to considerable difficulties.

THE EARL OF KIMBERLEY also considered that there should be a statement made as to the expected operations of the Bill.

THE EARL OF COURTOWN said, that the Bill would not be objected to by the farmers of Ireland, as hares were nearly extinct in that country.

LORD ORANMORE AND BROWNE said, that he had a good supply of hares on his property, and thought it would be injurious to prevent hares being killed where there were growing crops.

Amendments made: the Report thereof to be received on *Thursday* next.

CONVENTION (IRELAND) ACT REPEAL BILL.—(No. 77.)

(*The Lord O'Hagan.*)

COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, “That the House do now resolve itself into Committee upon the said Bill.”—(*The Lord O'Hagan.*)

LORD ORANMORE AND BROWNE said, that the Act proposed to be repealed was passed by the Irish Parliament in 1797, and he would like to know why it was to be abolished, seeing that recently there had been meetings in Ireland of a Communistic character? He thought that Ireland was in a less satisfactory state now than it had been for some years past; and, therefore, he could not understand why the Act should be repealed.

LORD O'HAGAN said, the Bill was only intended to repeal legislation which had become entirely obsolete, and came before their Lordships, not only with the sanction of the Government, but the unanimous approval of the House of Commons.

Motion agreed to; House in Committee.

Bill reported without Amendment; an Amendment made; and Bill to be read 3^d *To-morrow.*

SPAIN—CONTRABAND TRADE AT GIBRALTAR—CASE OF THE “ROSSLYN.”

QUESTION. OBSERVATIONS.

THE DUKE OF ST. ALBANS rose to call attention to the case of the “Rosslyn,” and asked, What instructions are given to the police and Custom authorities at Gibraltar to prevent contraband trade with Spain; and, whether Her Majesty's Government will lay upon the Table any recent Correspondence relative to this question or to a demarcation of the waters of the Bay of Gibraltar? The noble Duke said, the *Rosslyn*, as appeared by a letter from Lloyd's agent, published in the newspapers, was a British ship, which had received several tons of tobacco at Gibraltar to transfer to another vessel off the coast of Spain. On arriving at the rendezvous, however, the *Rosslyn*, instead of finding her consort, was seized by Spanish *guarda-costas* and taken into Cadiz. Mr. Perry, the English Consul,

demanding and obtained her release—on what grounds it was not stated. But it was to be hoped that such an act of open smuggling could not be committed under the British Flag with impunity. It was well known that contraband trade was carried on with Spain to a considerable extent from Gibraltar. He would not enter into the question how far Spanish officials connived at this; but it seemed to him that, if it was necessary that we should hold Gibraltar, we ought to make our position there as little galling as possible to Spain. If a corresponding state of things existed in the Isle of Wight, this country would certainly not be disposed to tolerate it. Those of their Lordships who knew Gibraltar would be aware of the constant disputes and reprisals which the uncertainty existing as to the limits of British and Spanish waters gave rise to; and he should be glad to hear that there was some likelihood of the maritime jurisdiction of the two countries in this respect being defined. Our legitimate trade with Spain was of considerable importance. His personal experience was that an English vessel was received in a Spanish port with kindness and courtesy; and he hoped to be told that the British Government were prepared to do all that lay in their power to prevent the good understanding between the two countries being jeopardized by the existence of a state of things at Gibraltar such as the scandal of the *Rosslyn* had revealed.

EARL CADOGAN, in reply, said, Her Majesty's Government had no information on the subject of the *Rosslyn* which the noble Duke (the Duke of St. Albans) did not himself possess. He (Earl Cadogan) was not in a position to say whether the Consul at Cadiz had or had not demanded the release of the vessel; but the fact that the vessel had been released seemed to show that the Spanish authorities did not feel very strongly in the matter. Smuggling did, no doubt, prevail to a great extent at Gibraltar. It had occupied the attention of both the late Government and the present one; and from Correspondence which had been laid upon the Table, their Lordships would see that the present Governor of Gibraltar (Lord Napier of Magdala) had made various suggestions for the suppression of the traffic. Those recom-

mendations had been embodied in an Order in Council which was issued in 1878. An increased fine was imposed for landing goods after dark, and the Governor stated that smuggling had materially diminished in consequence. Any later Correspondence than that already laid on the Table could not be conveniently produced. Correspondence was in progress with reference to the demarcation of the waters; but it was of a confidential nature at present, and could not, therefore, be produced.

LORD NAPIER OF MAGDALA said, that the Government of Gibraltar had no control over the ordinary transactions of the trade of a free port. Ships called, and deposited or carried away such cargoes as they pleased; and unless these consisted of spirits or wine, or munitions of war, the Local Government possessed no rights to interfere with them. But that particular form of smuggling which had been carried on by small vessels that left the port in the evening, and, abusing the protection afforded by the British fortifications, stole round the Rock about dusk, waiting for darkness to enable them to elude the Spanish preventive boats, had been virtually put an end to. By the means and regulations which the Colonial Government had placed in the hands of the Local Government, such strict vigilance was exercised that it was very difficult for boats to leave the port after the hour when it was prohibited. Boats found loitering about the Rock were sent back to the port, and a breach of the port regulations was punishable by a fine of £100. Another form of smuggling had been practised by Spaniards, who visited Gibraltar daily, and in returning were in the habit of sitting down on the neutral ground, beyond the control of the British sentries, and then undressing, and concealing their tobacco, in order to pass the Custom House officers at their own barriers. At the request of the Spanish Consul (Senor Jan Juan), whose courtesy and friendliness in all international questions had been as remarkable as his honest attention to the interests of his own country, he (Lord Napier of Magdala) permitted our policemen to cause these people to move on beyond the half of the neutral ground nearest the fortress, and the Spanish police looked after the other half. By these means the practice had been practically stopped, though any relaxation of vigi-

The Duke of St. Albans

lance would allow it to revive. From some observations which appeared in one of the daily papers some time ago, there would appear to be a misapprehension regarding the conduct of the local authorities, to the effect that they did not do all in their power to prevent smuggling; but the truth was that they really did all that the law allowed them, and even step beyond it, out of consideration for the Spanish Government, and to avoid any ground of complaint.

ARMY—ARMY ORGANIZATION— DEPARTMENTAL COMMITTEE.

QUESTIONS. OBSERVATIONS.

LORD TRURO rose to ask, Whether Her Majesty's Government have finally determined to appoint an exclusively military Committee to inquire into the defects of our present military organization? The noble Lord said, he had put a Question upon the subject before the Recess; but he was met with silence. The Government was one of silence and surprises; but he wished to know what it was they now purposed to do? Not long ago, our Army had been spoken of as in a condition to go through three campaigns; but it now appeared that the country had been seriously deluded, and the Government had at last been compelled to take some steps to put the Army in a proper condition for the defence of the country. It was proposed to appoint what was called a military Committee; and if the question were one of military discipline or of the size of regiments, he could well understand why it should be confined to military men. Some military authorities declared that the Army was in a rotten condition; we had come to a positive deadlock; and the question was, whether the rottenness was in the system of the noble Viscount (Viscount Cardwell), or in the administration of that system. He did not think that the system as introduced by the noble Viscount was a rotten one; but he thought that the system had not been wisely or loyally administered by the noble Viscount opposite (Viscount Cranbrook), in the passing of three-years' men into the Reserves, which was not the system of the late Government. The Government had been carrying out a foreign policy which, in some respects, would not be condemned; but, at the same time, they had quite forgotten

their defences at home. The Secretary of State for India (Viscount Cranbrook) spoke in a joyous spirit the other day at Sheffield of our military success in Afghanistan; but that could not be dignified by the name of a war—it was merely a military promenade; while in South Africa, where we had war, we had neither success nor progress. In reply to a Question in "another place," the Secretary of State for War (Colonel Stanley) had expressed the hope that he would obtain for this Committee men of impartial mind, free from prejudice and preconceived opinions; but it was hopeless to expect such impartiality and freedom from prejudice in military men. The question which those gentlemen would have to discuss and to inquire into would not be those affecting military discipline; but they would have to ascertain what obstacles existed to men enlisting, and other things, and how military requirements were to be met; and, therefore, it was specially desirable that there should be a large civil element on the Committee.

The EARL OF GALLOWAY, who had given Notice of his intention to ask—(1.) Whether the Committee has yet been nominated who are to report upon the present state of our Army organization; and, if so, whether there is any objection to state their names: (2.) Whether there will be any objection to lay upon the Table of this House a Copy of the instructions which have been issued, or are about to be issued to this Committee? said, that he would put them now, so as to save the noble Viscount the trouble of speaking twice. He desired their Lordships to recall what had happened on this subject during the last few months. After a sleep of somewhat inexplicable length, the Secretary of State for War at length awoke to the fact that the British Army was in a state of collapse. It appeared to him (the Earl of Galloway) that it must have been well known to the authorities at the War Office three or four months ago that the British Army was in the state which he had described. He would not, however, enter into any details on the subject on the present occasion; but, taking into account the state of the organization of the Army, the country had, he thought, a right to expect that by this time the Committee would have been

appointed and would have commenced its labours. Seeing the delay which had occurred, he was afraid that Parliament would be prorogued before the public had ascertained what it was really in the contemplation of the Government to do. The question was a very serious one; and he felt certain that if a board of general officers were appointed, they would at once condemn the brigade dépôt system for its imbecility as well as its extravagance, and that the short service system would be found to be open to the charge of inhumanity, as was testified by the hospitals throughout the country.

VISCOUNT BURY thought the Questions which had been put to him by his noble and gallant Friends admitted of being very easily answered, and that he could give very satisfactory reasons why the matter to which they related should be left to be inquired into by a Committee composed exclusively of military men. He had, therefore, to state that it was the intention of the Government to appoint a purely military Committee. It had been very freely said out-of-doors that our present military system was not satisfactory, and, up to a certain point, the Government had admitted that such was the case. They knew that there were defects in the system. His noble Friend behind him (the Earl of Longford) had said the other day that it had been described as positively rotten; but he had taken care to add that he did not altogether endorse that opinion. But, be that as it might, a very strong opinion had, at all events, been expressed in many quarters, both outside and inside the House, that our present military system was not satisfactory, and the Government, as he had already said, admitted, to a certain extent, that there was some justification in that view. They had succeeded to a mode of administering the Army which had been inaugurated by their Predecessors in Office, and which they had determined loyally to carry out. It had, after many debates, been decided that the present system should have a fair trial; and the system under which the Army was now worked was the result partly of the action of their Predecessors, and partly of their own action working on the lines which had been laid down. It having been found, however, that there were a

good many defects in the system which the Government did not wish to conceal, the only course open to them was to institute an inquiry to decide whether it should be continued, and whether, if continued, some of its defects might not be removed. His Royal Highness the illustrious Duke on the cross-benches (the Duke of Cambridge), and other military Advisers of the Secretary of State for War, had repeatedly pointed out, especially of late, the defects of the system; and the very natural question had been asked of them, what they would advise to be done? The illustrious Duke had given in the most loyal and straightforward manner his advice; but, on consultation, the Secretary of State for War thought it would be more satisfactory that a Committee of military men should be appointed to investigate the subject. There seemed, he might add, to be a good deal of misunderstanding as to what were to be the aims and objects of the Committee. It was supposed that they were to draw up some new scheme for the re-organization of the Army and armed with the powers necessary for carrying it into effect. That, however, was not the case. What the Government required was the advice of competent military authorities in the matter. When such a Committee made their Report, it would then be for the Government to decide what further action would be necessary. If, of course, the Committee should be of opinion that the system was rotten, then the matter would be referred back to the Government, to be dealt with in the ordinary Constitutional way in consultation with both Houses of Parliament. But if the Committee confined themselves, as they possibly might, to suggesting certain alterations of detail, then these points would be referred to the Secretary of State, and would be dealt with by him. The question was not of appointing an Executive Committee to make a new re-organization of the Army, but simply a consultative body to advise the Government, and that was the reason why the Government had deemed it desirable to appoint a purely military Committee. The names of the Members of the Committee would, he might add, be known in a very few days. His right hon. and gallant Friend the Secretary of State had, indeed, he believed, in consultation with the illus-

The Earl of Galloway

trious Duke and others, determined on the names of those of whom it would be composed, and he hoped those names would be very shortly laid on the Table of the House. He was not, however, prepared to lay them on the Table that evening; while as to the instructions, he did not think it would be fair to the Committee, in the case of an inquiry of such delicacy, or convenient to the Public Service, that they should be produced. The Committee, he had every reason to hope, would soon meet. They would probably not occupy a very long time in prosecuting their labours, and the result of their deliberations would then be laid before Parliament.

VISCOUNT CRANBROOK said, that as the administration of the Army by him, as a Member of the Government, had been attacked, he wished to say a few words, although it might seem unnecessary that he should do so, seeing that the noble Lord opposite (Lord Truro), as well as his noble Friend behind him (the Earl of Galloway), from whom the attack came, seemed to hold perfectly opposite views on the subject—the one being of opinion that the system which had been established by his Predecessor at the War Office was perfect, while the other maintained that it was absolutely rotten. Still, it might appear disrespectful not to notice the personal attack of the noble Lord opposite. The noble Lord opposite had, he believed, commanded several regiments, and if he had continued to command them, it was probable that he should have heard from him more soldierly advice than he had given that evening with regard to waiting for six years to pass men into the Reserve. There were countries when men, after one year's service, passed into the Reserve; but there was abundant military authority for saying that a soldier might be thoroughly trained in three years, and, after such service, might be advantageously passed into the Reserve. It had been tested by experience; and he ventured to ask military men who had seen the Reserve Force when called out last year, whether the three years' men had not presented a thoroughly soldierly appearance? He could appeal to the illustrious Duke's personal inspection of them. If the noble Lord's advice had been followed, and the Reserves had consisted only of men

who had been six years in the Army, there would have been a very different show of the Reserve on that occasion. He was fully conscious that many shortcomings would be perceived in his administration of the War Department. He found on entering upon it that measures had been passed with great care and caution by the Parliament of this country which had instituted a particular system. He felt certain, from the very beginning, that a sudden change would be as inconsistent with the safety of the Army as it would be inconsistent with the interests of the country. He, therefore, determined to give the best aid he could to a full development of the system set on foot. In many respects he might have acted differently from the way in which his noble Friend (Viscount Cardwell) would have done if he had been in Office; but his object was to develop the system, and bring it to as great perfection as possible. And when he was told now that the system was rotten, and that everything about the Army was rotten, he utterly denied that that assertion had any foundation in fact. If the Afghanistan War was merely a military promenade, as the noble Lord (Lord Truro) said, that was owing to the fact that it was carefully and methodically pre-arranged and carried out by soldiers who were competent to discharge the duty. He entirely differed from the view that a war must be considered unsuccessful, or a mere promenade, because it had not led to an infinity of battles and bloodshed. On the contrary, he thought the skill of a general was more shown in bringing a war to a successful termination without disaster and without bloodshed. He did not deny that the system had its defects, nor that they did not get a great many young soldiers; but he was prepared to say that if it had been arranged, as it would be in a European war, to mingle the Reserves with the regiments, we should have presented as strong a front as at any period of our history. The evil of young soldiers entering the Army at premature ages was not one which was connected with short service alone; but it had been connected with recruiting at all times, because it happened that in this country employments were readily found, and when men of 19 or 20 obtained employment, they did not

turn from those pursuits to enter into the Army. The question of recruiting would be very properly considered by the Committee. He ought not to detain their Lordships; but with regard to the attacks which had been made upon him, he might observe that as they had been made by both sides upon exactly opposite grounds they could not be right, and he did not think that he was altogether wrong.

LORD DORCHESTER said, if the nomination of a Committee took five weeks, the question was, indeed, a difficult one to decide, and the difficulties of searching into it must be far greater than there was any reason to suppose. An eminent General had been sent for to preside over this Committee; but he was ordered by the civil power—the Secretary of State—entirely unknown to the illustrious Duke (the Duke of Cambridge), to a mixed command in South Africa. If rumour was correct, the Committee was to be composed of men who were committed to the present system, and who, therefore, would not be likely to report against it. He thought it necessary that the names of the Committee should be speedily known.

LORD WAVENEY said, one of the points which it would be necessary for the Committee to inquire into was the subject of recruiting in agricultural districts. He had the honour of commanding an agricultural brigade of Artillery for 25 years, and he could say that at present the men were superior in intelligence and physical development to those whom he first received into the ranks. There was an improved disposition as to binding themselves with regard to the Reserve; but as to volunteering for the war in South Africa, the Return he had to make was *nil*. He hoped the Committee would go fully into the question of recruiting. The point was how to retain the old soldier in the Service. Above all things, he trusted the Committee would consider what was the enormous friction of a great war machine, and how soon a campaign in the field frittered away the best of the strength of the Army.

VISCOUNT CARDWELL said, much had been stated with regard to the Committee being entirely a military one, and that it would leave out a large part of what ought to be included. He had no such apprehension. He knew by whom

Viscount Cranbrook

the Committee was to be composed. The noble Lord who, he understood, was to be President, Lord Airey—there was, perhaps, no harm in mentioning the name—was an experienced soldier, who would never forget the absence of a Reserve in the Crimean War. He (Viscount Cardwell) had confidence in Lord Airey, and he was sure the day would never come when that gallant soldier would forget the absolute necessity of a Reserve when the Army was in the field. In Lord Airey's hands the fate of the inquiry was safe. He hoped and believed that it was intended to make this inquiry, not superficial, but complete; and except upon the supposition that it was to be a complete inquiry he should be fearful of the result, for he knew the prejudices with which an inquiry of this kind had to contend. With these few final words, he commended the Committee to the approval of their Lordships.

House adjourned at a quarter before
Eight o'clock, till To-morrow.
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 16th June, 1879.

MINUTES.]—SUPPLY—considered in Committee
—ARMY ESTIMATES, Votes 1 to 6.
EAST INDIA REVENUE ACCOUNTS—considered in
Committee—Resolution [June 13] reported.
PUBLIC BILLS—Second Reading—Indian Marine
[182]; Salmon Fishery Law Amendment
(No. 2) [188].
Committee—Report—Common Law Procedure
and Judicature Acts Amendment* [181].
Considered as amended—Customs and Inland
Revenue* [150]; Bills of Sale (Ireland)*
[45].
Withdrawn—Church of Scotland* [39].

QUESTIONS.

CYPRUS—THE ORDINANCES.

QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether he will re-consider his determination not to print as Parliamentary Papers even those of the Cyprus Ordinances, which are as peculiar in their nature as the following—namely,

the Ordinance of 1879, giving power to the Cyprus Government to exile persons without trial; the Ordinance of 1878, prohibiting the sale of land in Cyprus to all persons not British or Turkish subjects; and the Ordinance of 1879, raising special taxation on all lands left uncultivated, and forfeiting unclaimed lands to the Government?

MR. BOURKE, in reply, said, he would place in the Library of the House Copies of the Ordinances referred to by the hon. Baronet; but he did not propose to lay them on the Table.

IRELAND—THE FISHERIES OF SLIGO AND THE BONET RIVER.—QUESTION.

MAJOR O'BEIRNE asked the Chief Secretary for Ireland, If it would not be desirable to hold an investigation into the manner in which the fisheries of the Sligo Fisheries and the Bonet River, County Leitrim, have been managed by Mr. Brady, Inspector of Fisheries, having regard to the fact that it has been shown by a Return furnished to the Government, at an inspection ordered by the Chief Secretary for Ireland, that the quantity of salmon taken in these fisheries has considerably diminished since the year 1862 up to the present date, in consequence of bye-laws enacted by Mr. Brady, Inspector of Fisheries?

MR. J. LOWTHER: Sir, I have not yet been able to get a full Report. If the Question is repeated, I shall be able to say more in a few days. I find an inquiry has been held into the matter by three Inspectors; so that the name of Mr. Brady ought only to be mentioned in conjunction with that of his colleagues.

LOCAL FINANCE—ANNUAL STATEMENT—THE PUBLIC WORKS LOAN BILL.—QUESTIONS.

MR. PELL asked Mr. Chancellor of the Exchequer, When Her Majesty's Government desire to make the Annual Statement on Local Finance which it was understood would be considered at the same time as the Budget?

THE CHANCELLOR OF THE EXCHEQUER: Sir, my hon. Friend asks when we "desire" to make the Statement to which he refers in his Question. We desire, of course, to make it as soon as possible;

but with regard to what we propose to do, I have some little difficulty on account of the course of Business. It is essential that we should make that Statement soon, and obtain the authority of the House for the issue of what will be necessary for next year of the Public Works Loan. If we do not obtain that authority early in July, there will be serious difficulty, because there will be no funds to carry on the works. I hope, therefore, we may be able next week—say on Thursday week—to bring forward that proposal, and I shall connect it with the Public Works Loan Bill now before the House, trusting to introduce into that Bill a clause to give us the necessary powers.

MR. CHAMBERLAIN asked, If the Government intended to withdraw the Public Works Loan Bill now before the House?

THE CHANCELLOR OF THE EXCHEQUER: No; the Bill I now refer to is the annual Bill authorizing the advances of the Commissioners.

INDIA—PETITION OF MR. WILLIAM TAYLER—SIR FREDERICK HALLIDAY.—QUESTIONS.

MR. STAVELEY HILL asked the Under Secretary of State for India, with reference to a Petition presented to the House in February last by Mr. William Tayler, to which the attention of the House is to be called on the 1st proximo by the honourable Member for South Warwickshire, and in which the conduct of Sir Frederick Halliday, formerly Lieutenant Governor of Bengal, is seriously impugned, Whether any statement of the case has been submitted to the Secretary of State by Sir Frederick Halliday; and, if so, whether there will be any objection to lay such statement upon the Table of the House?

SIR EARDLEY WILMOT asked the Under Secretary of State for India, Whether the statement of Sir Frederick Halliday, referred to by the honourable and learned Member for Staffordshire, is a reply to the Petition of Mr. William Tayler, presented in February last to this House; or, whether it is a reply of some standing to memorials presented by Mr. Tayler to successive Secretaries of State, and especially to a Memorial addressed by him to the Duke of Argyll in 1868?

MR. E. STANHOPE: Sir, it is true that a statement has been prepared by Sir Frederick Halliday, at my request, in view of the debate to be brought on by my hon. Friend the Member for South Warwickshire. It refers to a number of official documents contained in many volumes at the India Office. The question of producing that statement, or the official documents generally, is one of great difficulty. On the one hand, Sir Frederick Halliday, after many years of useful public service in India, has been exposed to violent attacks in several pamphlets, and I venture to express my respect for the forbearance which he has displayed, knowing that he could only defend himself by official documents. But, on the other hand, no public matter is involved, the Motion of the hon. Member for South Warwickshire raises no such question; and, therefore, my noble Friend does not, upon the whole, consider himself justified, either in producing the statement or the Papers generally, or in putting the country to the great expense of printing them.

NORTHERN BORNEO—CESSION OF TERRITORY.—QUESTIONS.

MR. W. E. FORSTER asked the Under Secretary of State for Foreign Affairs, Whether the cession of territory in Northern Borneo to a British Trading Company would, if approved by Her Majesty's Government, involve any responsibility on the part of this country; and, if so, what responsibility?

MR. BOURKE: Sir, the approval of this proposed cession would not, as far as we know, involve any responsibility on the part of this country other than the general responsibility which devolves on Her Majesty's Government of affording protection to British subjects in all parts of the world, so far as circumstances permit. But Her Majesty's Government have not at present given any such approval.

MR. W. E. FORSTER: Will the hon. Gentleman inform the House, why the approval of Her Majesty's Government is asked, if there is no responsibility incurred?

MR. BOURKE: That is a Question rather for the persons who ask for the approval, than for Her Majesty's Government.

REPRODUCTIVE LOAN FUND (IRELAND)—LOANS TO CLARE FISHERMEN.—QUESTION.

LORD FRANCIS CONYNNGHAM asked the Chief Secretary for Ireland, If it is true that several cases have lately occurred in Clare County, where, default having been made by fishermen in the repayment of an instalment of money borrowed by them from the Irish Reproductive Loan Fund, they have been forced by legal process not only to repay the sums remaining undischarged, but also to pay over again the instalments which they had already paid before default?

MR. J. LOWTHER: Sir, I do not find that the matters have proceeded to the extremity the noble Lord's Question seems to indicate; but there were some difficulties of a legal character with regard to these loans. The Board of Works have been asked to report on the matter, and arrangements have been made which I hope will obviate all difficulties in the future.

IRELAND—VOTE FOR CHIEF SECRETARY'S OFFICE.—QUESTION.

MAJOR O'BEIRNE asked the Secretary to the Treasury, When Vote 35, Class 2, Chief Secretary for Ireland's Offices, will be taken?

SIR HENRY SELWIN-IBBETSON: I feel that I can give no very definite answer to the Question of the hon. and gallant Member. The Vote will be taken as soon as we are able to fix a day for commencing with Irish Votes, and Class 2 will be taken when we have disposed of Votes in Class 1.

JAMAICA—COOLIES.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Colonies, If his attention has been directed to a paragraph in the "New York Times," dated 30th May, which stated that a ship had arrived at Kingston, Jamaica, to carry back Coolies who had been serving under an indenture for employers in the parish of Charleston, and who, during the time of their servitude, had deposited large sums of money in the hands of the immigration agent for safe keeping: whether, on asking for it, they were told he could not pay it to them, and they were thereby defrauded; if it be true

that the Governor of Jamaica refused to give protection to the immigrants in the matter, though the Chief Justice had stated they were entitled to be paid; and, further, if they have been paid?

SIR MICHAEL HICKS-BEACH: Sir, the hon. Member has been good enough to send me the article in *The New York Times* upon which this Question is based. I had heard reports that a sub-immigration agent in Jamaica had improperly received money, by himself or his son, from the Coolies for whom he was responsible; but I knew nothing of the other statements quoted from the article, and I have at once directed the Governor to supply me with a full report on the subject.

EGYPT—MR. VIVIAN—THE PAPERS.
QUESTIONS.

MR. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether Mr. Vivian has been recalled from his post as Consul General in Egypt; and, if so, for what reason; whether Mr. Adams has been appointed to succeed Mr. Vivian; and, when the Papers relating to Egyptian matters will be laid upon the Table of the House?

MR. BOURKE: No, Sir; Mr. Vivian has not been recalled from his post. Mr. Vivian has been permitted to come home for a short time on private affairs—affairs strictly of a private character—but it is not likely that Mr. Vivian's return to Egypt will be delayed beyond a few weeks. With regard to the next Question, Mr. Adams has not been appointed to succeed Mr. Vivian; but Mr. Lascelles, who for some time discharged Mr. Vivian's duties when he was absent for a short time, will again discharge the duties now. With regard to the Papers on Egyptian affairs, Her Majesty's Government have considered the subject very carefully, and are most anxious to produce them; but they are of opinion, under existing circumstances, that it would not be to the public interest to do so at the present moment.

MR. OTWAY asked when they would be produced?

MR. BOURKE: It depends on the communications now going on, when the Papers can be produced. The circumstances, I need not say, are not altogether in the control of Her Majesty's Government.

MR. WHITWELL asked, if Mr. Lascelles was acting as Consul General?

MR. BOURKE: He will perform the same functions which he performed before. I cannot understand that his position will be in any way different from that which Mr. Vivian's has been.

THE RAILWAY COMMISSION BILL—
LEGISLATION.—QUESTION.

MR. MONK asked the President of the Board of Trade, Whether he is prepared to name a day on which he will ask leave to introduce the proposed Railway Commission Bill?

VISCOUNT SANDON, in reply, said, he was not surprised at the anxiety manifested by the hon. Gentleman; but, in the present state of Public Business, it was impossible to name a day. It would be impossible, however, for Her Majesty's Government to allow the powers of the Royal Commission to lapse this year; and he was as anxious as the hon. Gentleman was to bring in the Bill; but he could not name a day.

VICTORIA—THE CONSTITUTIONAL
QUESTION.—QUESTION.

MR. A. MILLS asked the Secretary of State for the Colonies, When his despatch to Lord Normanby, relating to the differences between the two Houses of the Legislature of the Colony of Victoria, will be laid upon the Table of the House; and, whether any further Correspondence has taken place on the subject since that already presented to Parliament?

SIR MICHAEL HICKS-BEACH: Sir, the despatch to Lord Normanby should reach Melbourne in about 10 days from this time, and I propose shortly after that date to present it, together with other Correspondence on the subject, to Parliament.

NAVY—COALING AT ST. VINCENT'S.
QUESTION.

COLONEL BERESFORD asked the First Lord of the Admiralty, How many tons of coal were supplied to the Transports at St. Vincent for the voyage to the Cape, at what price per ton it was supplied, and how many days each Transport was delayed in order to obtain the necessary quantity?

MR. W. H. SMITH: Sir, I stated, in reply to the Question of the hon. Member for Hastings (Mr. T. Brassey), both how many tons of coal were supplied to the transports, and how long each vessel was occupied in coaling, and I think my hon. and gallant Friend will hardly wish me to repeat that statement; but the price at which the coal was supplied—the entire cost—was 28s. a-ton in two cases, 30s. in the case of 10 ships, and 32s. in the case of two other ships.

CRIMINAL CODE BILL—MEMORANDUM
OF THE LORD CHIEF JUSTICE.

QUESTIONS.

MR. HERSCHELL asked Mr. Attorney General, Whether he has received a memorandum from the Lord Chief Justice containing comments and suggestions in relation to the Criminal Code Bill, and, whether he will lay a Copy of the same upon the Table of the House?

THE ATTORNEY GENERAL (Sir JOHN HOLKER), in reply, said, he had received the Memorandum from the Lord Chief Justice in relation to the Criminal Code Bill, and he would be happy to lay it on the Table of the House.

MR. ASSHETON CROSS said, he had that day laid on the Table of the House the Report of the Commissioners in relation to the Code.

MR. WHEELHOUSE asked, If it was intended to print the Report?

MR. ASSHETON CROSS: Certainly.

ARMY—THE 42ND REGIMENT.

QUESTIONS.

MR. H. SAMUELSON asked the Secretary of State for War, Whether the 42nd Regiment is still suffering from the effects of the Cyprus fever; and, whether it is about to be brought home before the usual time in consequence of the ill-health of the men?

COLONEL STANLEY: Sir, the report of the health of the men of the 42nd Highlanders was not altogether satisfactory, and as there was likely to be a certain amount of fever at Gibraltar, it was thought expedient that this regiment should not be left there.

MR. H. SAMUELSON: Will the right hon. and gallant Gentleman please answer the first part of my Question?

COLONEL STANLEY: Sir, I cannot say whether the men are suffering from Cyprus fever, because some of the men have suffered from fever contracted at the West Coast of Africa.

SOUTH AFRICA—THE ZULU WAR—THE
FIGHT AT RORKE'S DRIFT.

QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If an order was issued by his or any other authority that in consideration of the gallantry displayed by the non-commissioned officers and privates at Rorke's Drift the issue of one flannel shirt and a pair of trousers to each man, in compensation for damage done to their clothing is sanctioned?

COLONEL STANLEY: Sir, so far as I can understand, such an order was issued by the General Officer commanding troops for the issue to the men of flannel shirt and one pair of trousers, in compensation for damage done to their clothing. Whether regard was had to it as a reward for gallantry or not I cannot say.

ARMY—BEARDS.—QUESTION.

MR. STACPOOLE asked the Secretary of State for War, If he sees any objection to permit all ranks of the Army to wear their beards, in accordance with the example set by Field Marshal H.R.H. the Prince of Wales, H.S. the Prince of Saxe-Weimar, commanding the Southern District, and by the officers and men of the Royal Navy?

COLONEL STANLEY: Sir, I do not presume, looking at all the bearded faces around me, to express an opinion whether any alleviation would be desirable or not; but, as a matter of fact, whether beards are allowed to be worn or not, there are any sanitary reasons—climate or otherwise—the Queen's Regulations say that troops at home shall not wear beards, and from that there is no reason to depart.

MR. STACPOOLE gave Notice that on going into Committee on the Army Estimates he should call attention to the subject.

IRELAND—FORCIBLE DISPERSION
A MEETING AT COOKSTOWN.

QUESTIONS.

MR. CALLAN asked the Chief Secretary for Ireland, Whether his attention

has been drawn to the report which appeared in the "Freeman's Journal" of Friday, June 13, wherein it is stated that a meeting convened by the following placard extensively circulated:—

"The Irish University Bill. A public meeting will be held in Cookstown on Thursday, 12th June, to support The O'Connor Don's University Bill. Chair to be taken at two o'clock. Friends of denominational education are earnestly requested to attend;"

was dispersed and forcibly prevented from holding the meeting, by the police numbering upwards of one hundred men, under arms, under the command of Captain Waring, R.M., Mr. J. B. Moore, J.P., and County Inspector Murphy; that the authorities, through Captain Waring, ordered the police to charge, who did so at the double, and the processionists were thrown into the utmost confusion and were most unceremoniously huddled backwards at the point of a double line of bayonets; is it a fact, as stated in the same report, that—

"The processionists were most orderly, nothing in the way of drunkenness being in the slightest degree visible," and that "for several years the town has been the scene of recurring saturnalias of the Orange party, and nothing in the way of let or hindrance goes to mar their proceedings;"

whether Her Majesty's Government approve of such conduct on the part of Captain Waring and the police authorities, and are prepared to deny to the Catholics of Tyrone the right of public meeting to petition Parliament in favour of a Bill under the consideration of this House; and, whether any orders or instructions have been given by the Irish Executive to the said magistrates or inspector; and, if so, what is the purport of these orders or instructions, and is there any objection to lay them upon the Table of this House?

MR. J. LOWTHER: Sir, I have seen the newspaper report to which the hon. Member refers; and the report, read *in extenso*, appears to give a very accurate account of the proceedings in question, although the extracts, taken by themselves, hardly convey a correct account of what took place. It appears, from what I am able to learn from all sources, that the procession was formed for the purpose of holding a meeting at a particular place. Among the processionists were men armed with revolvers and other weapons,

which they appear to have made use of on their line of march when engaged in wrecking houses. There was also collected on the route proposed to be taken by the procession an opposition crowd, likewise armed, and posted there avowedly to stop the processionists by force. Sworn informations having been made that a breach of the peace was likely to occur, the resident magistrate, very properly as I think, prevented a collision by impartially dispersing both crowds. No special instructions were given by the Government as to the course to be adopted by the authorities on the spot, which appears to me to have been judicious as well as successful, and to have prevented a serious breach of the peace.

MR. CALLAN: I beg to ask, in addition, as the right hon. Gentleman has referred to various sources of information, Whether it is on the authority of the police he states that the processionists were armed with revolvers?

MR. J. LOWTHER: I made that statement on official information received—not any special report, but information from various sources.

MR. CALLAN: I want to ask if the information is from the authorities?

MR. J. LOWTHER: Yes, certainly; from the authorities, but not solely from the police.

MR. O'DONNELL: Sir, I had a Notice on the Paper to ask the Chief Secretary for Ireland, If it is true that a public meeting in favour of the Irish University Bill has been prevented in the County Tyrone by a body of constabulary charging with fixed bayonets a peaceful procession? but I will not now put the right hon. Gentleman to the trouble of answering it. However, I beg to give Notice that I will call attention, at an early opportunity, to the support of illegal associations by Her Majesty's Government in the North of Ireland.

IRELAND—REGISTRARS OF COUNTY COURTS.—QUESTION.

MR. MELDON asked Mr. Attorney General for Ireland, Whether any, and, if so, what measures have been taken to place the position of Registrars of the County Courts in Ireland on a satisfactory and permanent basis as to salary and duties?

THE ATTORNEY GENERAL FOR IRELAND (Mr. Gibson): The Lord Chancellor of Ireland has recently requested the Judges of the County Courts to meet and to select some of their body to confer with him as regards the duties of the Registrars.

SOUTH AFRICA—THE TRANSVAAL.
QUESTION.

MR. COURTNEY asked the Secretary of State for the Colonies, Whether he will lay on the Table a despatch of Sir Bartle Frere, which has been telegraphed to the "Standard" some time ago, relating to his interview with the Boers of the Transvaal, and to a memorial which they have presented to him for transmission to the home Government; also, whether the right hon. Gentleman is able to confirm the report which has since appeared, that the Volksraad of the Orange Free State have passed a resolution recommending the restoration of the independence of the Transvaal?

SIR MICHAEL HICKS-BEACH: I have received no information as to the resolution stated to have been passed by the Volksraad of the Orange Free State. The despatch from Sir Bartle Frere, which was telegraphed to *The Standard*, has reached me; but I cannot yet state when it can be presented to Parliament, as I think it would be fair to Sir Bartle Frere that other despatches which he has sent from the Transvaal should be published together with it, if this can be done without injury to the Public Service; and some of them must be still on their way, as the last received was dated some days before he left the Transvaal.

ORDERS OF THE DAY.

SUPPLY—ARMY ESTIMATES.

[Progress.]

SUPPLY—considered in Committee.
(In the Committee.)

(1.) £50,600, Divine Service.

MR. PARNELL said, it would be very interesting to many people in Ireland, if the right hon. and gallant Gentleman the Secretary of State for War would state to the Committee what pro-

vision he had made for the spiritual wants of the Roman Catholic soldiers serving in South Africa. By a Return recently moved for and made in that House, it appeared that some of the regiments now employed in South Africa were very largely composed of Roman Catholic soldiers, and he and others were desirous to know what arrangements had been made for sending Roman Catholic chaplains out there to minister to the spiritual wants of the men.

COLONEL STANLEY said, he stated a few days ago what number of Catholic chaplains had been sent out to the Cape. That number was proportioned, as they considered it, to the ordinary requirements of a Force of the description now serving in South Africa. He also stated that he awaited, before sending any further chaplains out—Roman Catholic or otherwise—some demand from the General Officer commanding the Forces. He understood that there were clergymen of all denominations on the spot, whose services could be secured; and that a certain number of them had been employed under the general powers which the General Officer commanding possessed. He (Colonel Stanley) was not aware of any want in that respect, and until such want was notified to him, he did not think it necessary to send out more than the usual proportion of chaplains.

MR. SULLIVAN said, he was sorry to find, from private communications he had had from South Africa, that matters in this respect were by no means as satisfactory as he was sure the right hon. and gallant Gentleman the Secretary of State for War could himself wish. With very great respect personally, for now he was simply dealing with the Office the right hon. and gallant Gentleman held, he was bound to say that he could not accept the doctrine laid down by the Secretary of State for War—namely, that he was not to make provision for the spiritual wants of the soldiers serving abroad until some complaint was made to him on the subject. Surely, the spiritual wants of the soldiers were worth caring for by anticipation, as well as other wants. He had no doubt that the personal desire of the Secretary of State for War was to do what was right; but the system he had advocated was most objectionable. He (Mr. Sullivan) trusted implicitly in the private accounts he had

it had been clearly proved that that officer was not a Judge, that he was not an advocate, that he was not a general, and that his title was a very gross misnomer, conveying no idea whatever of the functions which that person was called upon to discharge. In turning over the pages of the Army Discipline Bill, on which they were promised an interesting discussion to-morrow, he found no attempt whatever had been made to remedy the complaints of the manner in which courts martial had hitherto been permitted to hear evidence; and it seemed to him that there was the real root of the difficulty with which they had to deal. If they could not raise an effective discussion in this Committee, he hoped that when that Bill came on they would insist on a proper investigation of the subject.

MAJOR NOLAN said, he would like to ask the right hon. and learned Gentleman the Judge Advocate General one or two questions about the forms of courts martial. He believed they were not treated of in any way in the Army Discipline and Regulation Bill, the old Military Act, or the Articles of War; and, therefore, they would not have an opportunity of discussing in Committee on that measure the subject he wished to raise. He wished to know whether the Department of the right hon. and gallant Gentleman (Colonel Stanley), or the military authorities, were responsible for the form in which these proceedings were conducted? They differed from Courts of Law, in that everything was required to be in writing. Where prisoners pleaded guilty in a civil Court, there was very little evidence taken, unless, in some exceptional cases, the Court desired it; while in a court martial the evidence was taken just the same, and it all had to be written exactly as if the prisoner were denying the accusations. In his opinion, all this was a very great waste of time, and he wanted to know who was responsible for it? Every question and every answer at present had either to be written out, and checked by six or seven members, or written by a clerk. The charge also had to be written: first, at the commencement of the proceedings; again, when given in evidence; and, thirdly, when the sentence was passed; although the man might only be charged with making away with a few of the articles of his kit. Very often, in the

civil Courts, heavy cases, which took up a great deal of time before magistrates, were settled in three or four minutes at the trial by the prisoner pleading guilty. There was then a statement as to character, and sentence was given. But in a court martial all that evidence would have to be given again, and written out again. Another objection to this system of writing everything at length was that it was fatal to cross-examination. A witness who was giving false evidence or exaggerated evidence was put upon his guard, and was able to consider his replies in the intervals between the answers, so that all the value of cross-examination was lost. Again, this system told against questions, for though, of course, a prisoner might insist on having questions put when the Court objected, if he did so, it must tell against him with the Court. These were all points of considerable importance, and as he did not know how he could raise them on the Army Discipline and Regulation Bill, he should like to ask, now, who was responsible for the forms of court martial. Were they governed by the Military Act and the Articles of War? Was the Judge Advocate General responsible, or the military authorities? The present system, in his belief, was excessively bad, and not of the slightest use. Besides, the attention of the Court was centred on writing out the evidence rather than on considering its bearings. He did not, of course, mean to say that the verdicts of courts martial were not fair; but he did maintain that the system was a very great waste of time, and that it was often prejudicial to the prisoner.

MR. SULLIVAN considered it was evident that in the Office of Judge Advocate General they had either too much or too little. There could be no doubt that the judicial element in the Office ought to be strengthened for the protection of soldiers in the Army. It had been suggested that the Office should be made a permanent one. The officials there at present, no doubt, were efficient and, he believed, exceedingly able; but from the fact of the head of the Office being removable, there resulted, as had been said by the hon. and gallant Member for Brighton (General Shute), a great indecision and want of continuity in the supreme direction of affairs. It seemed to be a refuge for anyone in the

necessity should rather devolve upon him than upon the right hon. and learned Gentleman the Judge Advocate General. So far as he (Colonel Stanley) was able to speak, both from personal knowledge and otherwise, he was bound to demur to the doctrine the hon. and gallant Gentleman (Major O'Beirne) had laid down, even though he might have quoted correctly the evidence given before the Select Committee by Mr. O'Dowd. That evidence, of course, required to be carefully examined, not only in itself, but in its context, and without having seen it, he did not feel in a position to express an opinion upon it. The Office of Judge Advocate General had been one which had been handed down from a remote time in one form or another; and there had always been felt to be a certain advantage in having, apart from the Administration of the Army, a perfectly independent tribunal to which courts martial could be sent, and which was not under the control of the War Office authorities. It had been always held that in having a Court of that nature considerable advantage resulted, both to the Service and to the soldier. The Office of Judge Advocate General must necessarily be, to a certain extent, influenced by the Bill which was now before the House, and he did not suppose that any office of that sort would be retained on the Estimates without due inquiry, and without their having satisfied themselves that every reason did exist for its maintenance. He was certainly not prepared at the present time, notwithstanding the arguments of the hon. and gallant Member (Major O'Beirne), or from what he had heard otherwise, to assent to the reduction of the Vote; but, on the contrary, he believed that the Judge Advocate General and his Office were very valuable, and ought to be preserved; because it was very desirable that there should be a careful examination of the proceedings of courts martial from an outside authority, such as the Judge Advocate General, who was entirely independent of the War Office. Up to the present, the Office had been attended with advantage, and he hoped the hon. and gallant Gentleman would not consider it his duty to press his Amendment at the present time, but allow the Vote to pass.

SIR HENRY HAVELOCK said, he had a similar Amendment upon the Paper to the one which had just been

Colonel Stanley

proposed; but he had been induced to withdraw it without the slightest consultation whatever with the hon. and gallant Gentleman (Major O'Beirne), and for a very different purpose. The object he had in view was to raise a special point of military law, upon which there had recently been a very grave and lamentable difference of opinion on the part of the Department which the right hon. and gallant Gentleman himself (Colonel Stanley) represented. The subject had, of late, been debated with very considerable and momentous, and, in some respects, lamentable results to the Public Service. It was with regard to the interpretation of that clause of the Army Reserve Act of 1867 which related to the employment or non-employment, in the recent despatch of re-inforcements to the Cape, of those men of the Army Reserve who had expressed their willingness to volunteer for service. It would be in the recollection of hon. Members of the Committee, and in that of others, that very early in the present Session he asked a Question of the Secretary of State for War, as to whether he could not avail himself, under the 11th clause of the Army Reserve Act of 1867, and in the emergency which had recently occurred, of the very valuable and most efficient services of those men of the Army Reserve who were willing to volunteer for service? The answer which the right hon. and gallant Gentleman gave was in direct contradiction of the answer they received to a like Question last week. For this reason, it was necessary for the satisfaction of those persons interested in the matter that some explanation should be given. The answer which the right hon. and gallant Gentleman the Secretary of State for War gave on the 21st of February to his (Sir Henry Havelock's) Question, as to whether the Army Reserve men who were willing to volunteer could be employed for service at the Cape, was as follows:—

"Sir, as a matter of fact, I am not aware that any men of the Army Reserve have volunteered for service at the Cape, although I have no doubt, from all that I have heard, they would be very ready to do so if an opportunity were given. With regard to the second Question, I must speak with some reservation; but, as I am advised at present, the men who have joined the Army Reserve are covered by the Statute Law of 1867, under which they are allowed to serve upon two conditions—first, a Proclamation under section 10 in case of a national emergency; and, secondly, by volunteering for duty. Under

the military authorities; but, on the contrary, were productive of great advantage to the Service.

MR. RYLANDS thought the right hon. and gallant Gentleman had clearly evaded the point which had been put by the hon. and gallant Member (Major O'Beirne). A distinct question had been asked. Could the Judge Advocate maintain the authority of his decisions? The reply was, that the Commander-in-Chief could no doubt disallow his decisions. The question was—had his decisions any legal force whatever? When they talked about the Office as a Court of Review, the question was, whether it was a Court with any power of maintaining its decisions? The question was, whether this Office of Judge Advocate General was not merely that of an assessor, who gave an opinion, but had no power to enforce it? He thought they were entitled to inquire into a matter of this kind, for, surely, when they paid a salary, they ought to be sure that the Office was something more than a name, and the officer something more than an assessor. They would vote this money with much more satisfaction, if they had reason to believe that steps would be taken to give the Office more authority. He quite agreed that it was very desirable that the post should be held by a barrister of high authority, because then they would be certain that justice would be given where it was not now always given.

MR. CALLAN had listened to the debate for some time; but he was even now in great difficulty as to what were the duties of the Judge Advocate General. Surely, as that right hon. and learned Gentleman was present, they ought to have, and it was most desirable they should have, an explanation from him, as to his powers and authorities. As a mere matter of respect, he should explain to the Committee what were the powers and authorities of the office, before they were asked to vote this sum of £2,000 as a salary.

MAJOR NOLAN pointed out that even now they did not know who was responsible for these forms. Was it the Secretary of State for War, or the judicial department, or the military department? Of course, as had been pointed out, it was sometimes necessary to go into the circumstances of the case, even where the prisoner pleaded guilty; but in the

several cases to which he had referred that always could be done, if necessary. What he complained of was that the courts martial were obliged to try out a case, even when a man pleaded guilty where he was obviously guilty, and where, accordingly, much time was wasted in the procedure. He would suggest that some plan might be found for shortening this procedure. They might have shorthand writers in some cases, and where that was not possible, then they could follow the old plan. At present, it was necessary to put down every bit of evidence, even when no one desired it. People seemed to think that officers' time was of no value, and that, therefore, all this rubbish should be stuck down, when a slight change might save a great deal of work. For his part, he had never known anyone having experience on the subject who did not think that these proceedings might be shortened with great advantage.

COLONEL ALEXANDER remarked, that the procedure had been shortened a good deal of late by the adoption of printed forms, and he thought something more might be done in that direction. As to cases where a man pleaded guilty, he had known one where the prisoner was afterwards asked if he had anything to say, and his statement showed that he was not guilty.

COLONEL COLTHURST agreed that it would be very undesirable not to record the proceedings where men pleaded guilty, for he had known a case also where a man pleaded guilty, and afterwards made a long statement which showed that he always meant to plead not guilty.

MR. SULLIVAN would like to ask the hon. and gallant Gentleman the Member for Brighton (General Shute), whether he correctly understood him to say that the decision of Sir Colman O'Loughlen, in the case of Sergeant Darrah, was overruled by the Commander-in-Chief?

GENERAL SHUTE replied that he never said anything of the kind.

MR. PARNELL thought it would be very satisfactory if the hon. and gallant General, in such circumstances, would inform the Committee what he actually did say. He (Mr. Parnell) listened very attentively to his statement. It was true that he did not

hon. and gallant Gentleman (Sir Henry Havelock), he was bound to say that there was a very strong feeling in the Army that the public did not get out of the Office of Judge Advocate General as much advantage as they were entitled to, considering its cost. There was one duty which might very properly be put upon this Office—namely, the preparation of the Mutiny Bills which came before the House. The Judge Advocate General was specially appointed to interpret the Mutiny Act; but what did they now see? They had a Mutiny Bill before them, which had been prepared entirely by outsiders, by the civilian draftsmen of the Government. If ever there was a duty which might well devolve on the Judge Advocate General it was the preparation of the Mutiny Bill. He knew not what the expense might be of employing Sir Henry Thring to prepare the Bill; but he knew this—that he ought to receive a large sum indeed, to compensate him for the labour and trouble he had taken in the matter. There was a Judge Advocate General receiving £2,000 a-year, as well as a Legal Secretary at the War Office; but neither of them had anything to do with the preparation of the Bill. Another Gentleman had to be employed, who had told the Committee that he knew nothing of the subject. They need not, therefore, be surprised if the Bill was a long time in getting through the Committee. He was of opinion that the Judge Advocate General's Department ought to be employed more in connection with military affairs than they were, and there were many occasions on which the Judge Advocate General might rise in the House, with very great benefit, to explain certain questions and thus assist the Secretary of State for War, who was now undergoing a great strain in carrying the Army Bill through Parliament.

Mr. CAVENDISH BENTINCK said, the various drafts and other matters had been constantly before the Office of the Judge Advocate General; but it was utterly impossible that the Judge Advocate General could prepare a Bill such as that now before the Committee, because he had not the means of doing so. As regarded himself, he was at all times perfectly ready to answer any question put to him, or to give any assistance to his right hon. and gallant Friend the Secretary of State for War, or to any

hon. Gentleman who chose to seek it. His right hon. and gallant Friend knew that he was willing to perform any part of the duty he had taken upon himself; but it was certainly not his desire to throw himself unduly before the House. He had now answered the question of the hon. and gallant Member (Sir Alexander Gordon), and he should be glad if he could afford any information to other hon. Gentlemen.

Mr. RYLANDS said, that it was not the wish of the Committee that, in the discussion in which they were now engaged, there should be even an appearance of a reflection upon the right hon. and learned Gentleman the present Judge Advocate General. Furthermore, in rising to take part in the discussion, it was not his wish, in any degree, to make remarks which might be personally distasteful to the right hon. and learned Gentleman; nor, in point of fact, did he wish to raise a question as to the ability with which the right hon. and learned Gentleman fulfilled the duties of his post. The right hon. and gallant Gentleman the Secretary of State for War said, in justification of this Vote, that the Office of Judge Advocate General had been handed down from a remote period. No doubt, it had been handed down from a remote period, and that many distinguished gentlemen had held the Office. But the Committee ought, at all events, to recollect this—that within their own experience there had been a period within which the Judge Advocate General had not been required at all; that there was a time during which the Office was allowed to remain in abeyance. They remembered that the late Sir Colman O'Loughlen retired from that Office, and that for some months there was no successor appointed. At length, however, it became convenient for the Minister of the day to appoint to the Office a right hon. and learned Gentleman, who had been removed from one position, but whom it was desirable to retain in the Public Service. It appeared to him (Mr. Rylands) that when they were voting this £2,000, the Committee was entitled to know what were the duties and powers of the Judge Advocate General. It seemed possible for the Office always to remain in abeyance; or, at all events, for its duties to be performed by the Deputy Judge Advocate General and the other gentle-

Sir Alexander Gordon

year or not. But, at present, the Committee was in a state of complete mystification; and unless the right hon. and learned Gentleman would condescend to explain what were his duties, they could only assume that he was in a state of mystification himself regarding them.

MR. CAVENDISH BENTINCK thought that the hon. Member who had spoken last (Mr. Callan) could not have been in his place during the whole of the discussion, or he would have heard the explanation that he had asked for, given at least three or four times, to the Committee. The principal duties of the Office which he had the honour to hold were to act as a Court of Review over all the district and general courts martial that were held elsewhere than in India; and he had, besides, to advise Her Majesty as to the confirmation of the findings of all general courts martial held on officers or soldiers. These were responsible duties in the highest degree. He had also to advise upon the construction of the Mutiny Act as far as related to criminal matters. The jurisdiction in matters arising out of the Mutiny Act not criminal belonged to the authorities at the War Office. It was also his duty to peruse the proceedings of every general and district court martial which came before him. In that work he was assisted by a deputy, who was a civilian, and by three other able officers. Two of those were not appointed by himself. One of them distinguished himself greatly by his knowledge of the subject before the Committee last year; and the third, and last appointed, was not only a Colonel in the Army, but he was also a barrister. That was, surely, a good guarantee that the duties of this Office were properly discharged. The hon. Member for Meath (Mr. Parnell) had remarked that he gained his Office as a reward for obstruction, and he could only reply that when the hon. Member could say that he had obtained an Office of that quality, as a reward for his Parliamentary services, he should be very glad to see the day.

MAJOR O'BEIRNE pointed out that while the right hon. and gallant Gentleman opposite (Colonel Stanley) had said that the Commander-in-Chief never overruled the decision of the Judge Advocate General, the hon. Member for Burnley (Mr. Rylands) had given

an instance where that had been done. It might often suit the financial arrangements of the War Office to do that; for if a purchasing officer were tried, they might set aside the verdict, and so confiscate his money. He should take a Division, unless a satisfactory reply were given.

SIR WILLIAM HARCOURT observed, that he had taken no part in that debate, because it seemed to him a great many of the questions raised might more properly be discussed in Committee on the Army Discipline and Regulation Bill. They could not, in Committee of Supply, alter the functions of the Judge Advocate General. He was not at all prepared to say that it would not be a good thing, in many respects, to alter the Office, as he understood the Judge Advocate General was not really a Judge at all; but he was an assessor to the military authorities, advising them upon the legality of any transactions which might have taken place at courts martial. Of course, that decision was not binding, any more than a decision of any assessor would be binding. The Judge Advocate General stood to the War Office, in fact, exactly in the same position that the Law Officers of the Crown did to Her Majesty's Government. They were generally guided by their opinion, and they would incur a very great responsibility if they departed from that advice; yet, if they chose, they were at liberty to do so. In the same way, the military authorities were at liberty to pass over the advice of the Judge Advocate General. He did think at one time that the law should be altered, and that the decision of the Judge Advocate General should be binding; but he withdrew that opinion, in consequence of the argument, which he thought an admirable one, that to do so would be to destroy the responsibility of the military authorities. At present, if they took any course which was unjustifiable, the House could call them to account; but if they could shelter themselves behind the decision of the Judge Advocate General, and could say they had no power to over-rule his decision, then the highest military authorities would be able to impose this authority of the Judge Advocate General between themselves and the country. With regard to the Vote, he had not heard anybody suggest that the duties of the Office

position of that official raised very considerably. It was a position of vital importance to the discipline of the Army. Whether it really was so or not, he considered it should be a judicial position; that the Judge Advocate General should occupy the position of an acting Judge, and who should be perfectly independent of Party or of politics, and not be removable in consequence of a change of Government. Such an officer should be selected from amongst the best known barristers of the day, who had had great experience in Criminal Law. His deputy, also, should be selected very much for the same reason. Indifferent lawyers and briefless barristers appointed to the Judge Advocate's Department had, from time to time, done infinite mischief as regarded discipline and military law. He considered that in the Judge Advocate General's Department there ought to be a considerably greater military element than now existed. They ought to have in the Department officers of considerable regimental experience, and men whose *specialité* had been courts martial. There were such men in every regiment, and they should be selected for this Department by a strong test examination. In his opinion, there ought also to be a strong and closer connection between, at all events, the military element of the Judge Advocate General's Department and the Adjutant General's Department at the Horse Guards. A Commander-in-Chief might now be really and totally ignorant of the decision of the Judge Advocate General, and might himself give orders entirely contrary to what had been ruled by the Judge Advocate General to the General Officer commanding a division, and the Committee would agree with him that such a state of affairs was not desirable. He could quote so many instances where the Judge Advocate General's Department, apart from political reasons and sometimes from positive ignorance, had given very incorrect decisions, that he contended the Department ought to be thoroughly reformed and specially so organized as to be above political interest. He could remember a Judge Advocate General, who was a Liberal, standing for a borough at a General Election for re-election, and he was very nearly beaten, and lost 40 or 50 votes entirely by the other Party condescending to get up a cry that he had advocated

General Shute

what they untruthfully called "branding" with B.C. He (General Shute) was sure the Committee would agree with him that an officer who was almost a Judge should be independent of that sort of cry. He knew the majority of the House were very much opposed to anything like marking; but he was satisfied it was the only way in which they should get over the great difficulty with regard to desertion and fraudulent re-enlistment. Marking with the letters "B. C." was not done in the least as a military punishment, and it was done with as little pain as possible by merely tattooing. Officers on courts martial often used to very much object to marking men of previously fair character with the letter "D;" but when a court martial did not make this a part of its sentence for desertion, the President was ordered to append a letter to the proceedings explaining the reason for the omission, so great an object was it in those days considered by the War Department to, by this means, protect the taxpaying public from fraud. In the same way, with regard to "B. C.," he did not see how they could possibly improve the Army if, whenever they got rid of a blackguard out of one regiment, they were not able to mark him, so that he might be prevented from enlisting in another corps.

THE CHAIRMAN said, he thought the hon. and gallant Member was now wandering from the subject before the Committee.

GENERAL SHUTE said, his object was to show that the Judge Advocate General, to whose election he had referred, was perfectly right in advocating marking, and yet he very nearly lost his seat by it. If the late Mr. Butt were still in the House, he would know of a case which occurred in Cork—a case of a court martial on Fenian prisoners. One of them would be remembered by some hon. Members present as Sergeant Darrah. Two non-commissioned officers were tried for cases of most outrageous mutiny. Both were sentenced to death; but the proceedings of the first court martial were quashed, and the prisoner returned to his duty, because the Judge Advocate General decided that the evidence was contrary to law, showing either utter ignorance of the law of evidence as regards co-conspirators, or, as some thought, fear of his constituents.

tify that the policeman in question was entitled to the reward, and that had to be countersigned by the commanding officer of the battalion.

COLONEL STANLEY quite agreed that this item required very carefully watching. Last year, the amount was exceptionally high, because there were an unusual number of enlistments, and he was sorry to say the ratio of desertion followed that of enlistment. He knew that in the past there was certainly some ground for suspecting collusion; but he did not believe it existed at all now. He hoped next year they would find a falling off in this item.

Original Question put, and agreed to.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £266,200, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1880."

LORD ELCHO said, there were two points connected with the Vote to which he wished to call attention. One, with reference to the health of our troops in India; and the other, as to the provision made for the sick and wounded in South Africa. His attention had been drawn to the first subject by Lieutenant General Lord Mark Kerr, who thought it was not conducive to the health of the troops that the same hours for meals should be kept in India as in England. At present they got their dinners in the middle of the day, and the result was that the troops suffered a good deal, and there was great loss of life. Lord Mark Kerr said that when he altered the hours of meals, he found the men much better in health than under the old system. This, however, being a new practice, objections were raised, and he was ordered to discontinue it. He brought the matter before the authorities in England, and a Correspondence ensued on the subject, which His Royal Highness the Duke of Cambridge marked as a matter of grave moment. He (Lord Elcho) was anxious to get copies of this Correspondence, for the matter seriously affected our troops; but there was great difficulty in doing so. There was no record of this Correspondence at the War Office, although marked as of grave importance by the Commander-in-Chief. It had been sent out to India, it was said, nine months ago; but now

that the attention of the right hon. and gallant Gentleman the Secretary of State for War had been drawn to this matter, he hoped he would take care that the question was not allowed to drop. He hoped, also, that the right hon. and gallant Gentleman would see if it was right that the change should be made. As to the second point, rightly or wrongly, an impression appeared to prevail that, so far as the Government was concerned, sufficient provision had not been made for the sick and wounded in South Africa. It was believed that the provision was inadequate, and that the supply of doctors and of medical stores was insufficient, and that nurses were wanted. If that was the case, it was a very serious question, and told very badly for the administration of the War Office. It was incredible, after the sums of money that had been voted, that our soldiers should be in the state described. Committees had been formed by ladies and gentlemen, at the head of which were persons of both sexes, who had shown on many occasions their zeal and kindly feeling; among them being Lady Burdett Coutts and the Duke of Sutherland, who were exerting themselves in the matter to do what ought to have been done by the Government. At the church which he attended, the day before, the preacher asked them to subscribe double, not only for the hospitals, but also to enable him to send aid for the benefit of our sick and wounded soldiers in South Africa. It was discreditable to the Government, and to all concerned, if they were in such a state, that, at the commencement of a war with a small nation of savages, these committees should be required, and that there should be these collections for their soldiers in their churches. Such a thing should not be necessary, and it did not reflect credit upon the Government for their administration. He was inclined to believe, however, that they were ill-informed, and that stores did abound. He had seen a statement, as he supposed, in the nature of a *communiqué*, which stated that not only were the stores fully sufficient, but that the amusement and comforts of the soldiers had been attended to. Of course, everyone would be willing to give subscriptions, if needed; but if they were not necessary, they would only look foolish in the eyes of Europe, if they were thus to ask for private aid.

actions; and if he were to venture to make a suggestion, it would be that in any re-organization of the Office it should be made independent of the Horse Guards' Staff. He thought that would be taken as a boon to the Army, in having men who were independent of His Royal Highness and the Horse Guards' Staff. There were cases of very great difficulty arising from time to time, and by strengthening the Office he thought improved results might be attained in the administration of military justice.

MR. O'CONNOR POWER was not surprised that the hon. and gallant Member for Leitrim (Major O'Beirne) had called attention to the subject, simply on the ground that the Office was not efficiently administered. In the first place, there was constituted something like a civil tribunal; but then, if the Commander-in-Chief had the power of setting aside the decisions of that tribunal, the House of Commons, in assenting to that proceeding, was really stultifying itself. They must either improve the position of the Judge Advocate General, and render it more authoritative and efficient, or they must restrict, to some extent, the position of the Commander-in-Chief. That had been proved by professional testimony in the speech of the hon. and gallant Member for Brighton (General Shute), who cited a case where the Judge Advocate General set aside the decision of a court martial; but, notwithstanding that, the Commander-in-Chief of the Irish Forces, who was in the neighbourhood of Dublin Castle, and was probably subject to political influences, set aside the decision of the Judge Advocate General, and thus the whole affair was placed in a state of confusion. [General SHUTE dissented.] Well, the hon. and gallant Gentleman (General Shute) shook his head at that statement, and he (Mr. O'Connor Power) was sorry if he had misapprehended the hon. and gallant Gentleman. He understood the hon. and gallant Gentleman, in one part of his speech, to refer to the case of Sergeant Darrah and others who were tried on a particular charge. No doubt, accusations of a very dreadful nature were brought against them; but he should say, from a study of the subject, that the most disgraceful part of the business was sending soldiers to long terms of imprisonment for alleged political of-

fences. If anything could be done by the Judge Advocate General's Office towards independent control over those tribunals, some good would have been accomplished; but, in his opinion, the root of the evil had not been touched up to this point. He believed that the dissatisfaction which the decisions of courts martial generally give rise to arose from the fact that the prisoner who was tried before them was not represented by counsel, in the same way as if he were tried before a Civil Court for a civil offence. There could be no doubt that the common soldier standing his trial for any offence in the Army was in a very disadvantageous position compared to that of the criminal who was brought before a civil tribunal; and until the law was so altered as to give facilities to the military prisoner as regarded cross-examination of witnesses and legal defence in every shape and form, they might expect to find that these decisions, when they came to be reviewed, were of a very doubtful and ambiguous character. This Vote called upon the Committee to make certain provision for military prisons; and he should like to know whether the treatment which military prisoners received in times of political excitement in England and in Ireland was a subject to which the Judge Advocate General had devoted any attention? All these questions of military law and punishment were at the very root of the strength and efficiency of the Army, and great complaints were frequently made of the manner in which military offences had been punished in times of political excitement. Instead of abolishing the Office of Judge Advocate General, he thought they should endeavour to secure the services of someone who was well posted in military law. It ought also to be a permanent Office, and the holder of it should not be liable to be changed by the incoming or the outgoing of any political Party. Still, at the same time, it should remain under the control of the people's Representatives in that House; for although the Office might be held permanently by one Gentleman, his acts, as a subordinate of the Government, would, of course, be subject to the examination and control of Parliament. Well, an attempt had been made to describe the Judge Advocate General as he at present existed; and he thought

Sir Patrick O'Brien

Staff. That must be received as evidence of very considerable weight, and he saw no reason to apprehend that the hospital arrangements would be found insufficient for the requirements of the Service. He hoped the Committee would allow him to point out in how very difficult and delicate a position he was placed. On the one hand, no demands had been made for further aid; and, on the other hand, he was extremely averse to stand forward, either officially or otherwise, between a very natural, kind-hearted and spontaneous desire in the country to render aid. Nobody, of course, was so well off but that they could afford to be better off; and, no doubt, from this feeling, people were anxious to do all that lay in their power, in the hope of giving some assistance and of rendering some relief, although there was no positive want. His hon. and gallant Friend near him (Colonel Loyd Lindsay), the Chairman of the National Aid Society, had been good enough to inform him that he had sent out a credit of a considerable amount to an officer of experience, who was one of the Commissariat in Africa, and had exerted himself in similar ways in other countries; that that officer had drawn upon the fund to a very small amount indeed; and the purposes for which he had drawn upon it had been to provide comforts which some people would call luxurious, such as tobacco, and things of that sort, for the men. That all seemed to him to point to the fact that, at the present time, the medical wants were fairly supplied, and even more than fairly supplied. He could not say that at some particular places on the line of march, or out of it, that there were not some cases of need. They did not expect to find a whole chemist's shop in the Highlands. The difficulty had simply, therefore, been one of transport; and, as far as he could understand, wherever it was possible hospitals had been established and medical comforts had been provided, which had proved fully sufficient. If he were aware of anything to the contrary, by accident or otherwise, it would be his duty at once to make it known to the House. At the present time, however, he believed that that was not at all so. Although a considerable quantity of stores went down in the steamship *Clyde*, and were lost, yet immediately that was known in this country, and without waiting for transport, steps

were taken to send out supplies by the mail boats, as fast as was possible. It would be of interest to the Committee that they should know exactly the number of men on the spot. At the present moment, in the Medical Department proper, there were 58 officers at the Cape, 7 on the passage, and 13 under orders. Of the Naval Medical Department—present, 4; on passage, 2. Several surgeons, exclusive of those employed locally—38 present and 2 on passage. Army Hospital Corps, 8 present and 1 on passage. Non-commissioned officers, 275 present and 108 on passage. He might add that within the last few days, though no demand had been made upon him, he had thought it advisable to place under orders 1 lady superintendent and 6 nurses attached to the hospital at home, which was in addition to any medical aid afforded by private enterprise in the Cape. He believed that no Army in the field had ever had its medical wants so far met in proportion to its strength; and he felt sure the Committee would have confidence that if any further medical demands were made they would be met to the best of their power. With regard to the Medical Department, he was sorry to say that, even at this period of the year, he was not able to speak with entire certainty. These matters of revising the conditions of service were always matters of considerable delay; but, speaking generally, he might say that, provided he could obtain the assent of his right hon. Friend the Chancellor of the Exchequer, and of his hon. Friend the Financial Secretary to the Treasury, it was his intention, as far as possible, to carry out the recommendations made by the Committee appointed by his Predecessor, as to the pay and the status of the medical officers. It was, for obvious reasons, not very expedient to deal with details at that moment; and he did not apprehend that it was entirely a matter upon which it would be wise to lay down abstract principles. But there was one point which had given him and those who acted with him, and for whose assistance he was deeply obliged, very considerable difficulty. That was a recommendation which he feared had given rise to a good deal of misapprehension—that certain medical bodies should have the power of nominating candidates for the medical service. It was

Ministry who was either too able or too ornamental for any other position on the Treasury Bench. Occasionally they had men of ability in the Office; but, in face of the circumstances narrated by the hon. and gallant Member for Brighton, he would ask whether some change was not necessary? They now had it, on the authority of that hon. and gallant Member, that a man was sentenced to death by a court martial on proceedings which the then Lord Advocate (Sir Colman O'Loughlen) declared to be illegal. Notwithstanding that opinion from a man whose high legal ability certainly entitled him to sit upon the Bench, it was over-ruled in a moment of intense political excitement by the authorities in Dublin, and the man was sentenced to imprisonment for life. Perhaps the Judge Advocate General would be able to tell them whether this was the man who died in prison? The gentleman filling this post should be a man eminent for legal ability, who would hold a firm hand over the military authorities whose opinion he might have to set aside, and a person whose opinion would carry immense moral, as well as official, weight. Of course, the authorities would snap their fingers at an ornamental Judge Advocate, and would not care what he advised. With regard to the forms of courts martial, it was an anomaly too painful to be permitted to continue, that cross-examination, even in cases where a man was on trial for his life, should be conducted in this old-fashioned and wasteful way. He would appeal to the legal Gentlemen in the Committee whether it would be possible to shake the testimony of any man in cross-examination, when every answer had to be written, and so he had time given him to think over his replies.

MAJOR O'BEIRNE begged to point out that he had received no reply to his question, as to whether the Commander-in-Chief had power to set aside the opinion of the Judge Advocate General. That was his main objection to this appointment, and that point had been evaded.

COLONEL STANLEY replied, that he had no absolute power in himself to set aside the decisions of the Judge Advocate General, although, of course, it might happen that in matters relating to the Prerogative of the Crown, and not appertaining to proceedings arising

out of courts martial, the decision might not be in accord with the views of the Judge Advocate General. With regard to the forms of the procedure of courts martial, it seemed to him that the hon. and gallant Gentleman (Major Nolan) was mistaken when he said that no part of the Army Discipline and Regulation Bill dealt with this subject. Clause 69 laid down the rules of procedure, and gave the Secretary of State for War power to make rules, and so on. These rules had to be laid on the Table of the House, and they would be treated in the same manner as the judicial rules. With regard to taking down the evidence by a shorthand writer, it was much more easy to agree with the proposition than to carry it out. In the first place, in a very great number of courts martial there was no cross-examination at all, as the prisoner did not desire any opening for cross-examination. It was impossible to assimilate the proceedings of courts martial to those of ordinary Law Courts. For instance, when a prisoner pleaded guilty, proceedings were easily stopped in a Civil Court, while that could not be the case in a court martial, because a prisoner might sometimes plead guilty of an offence he had never committed, in order to get sentenced to a certain punishment. It was, therefore, necessary to go through all the forms of a court martial. It must be remembered also, with regard to a shorthand writer, there were practical difficulties in the way. No doubt, such assistance was of considerable value, and there was a good deal in the suggestion; but, at the same time, it would entail considerable expense, and there would, of course, be considerable difficulty in arranging the details. Summing up what had been said during the debate, it appeared there was a certain current of feeling, with which he could not sympathize, in favour of making this tribunal independent of the military authorities; but that was a very different thing from condemning the whole system at present connected with that Office. All wished, of course, to see that tribunal made as strong as possible. His right hon. and learned Friend had examined very carefully, and in a very independent manner, all decisions on matters of military law, and he reported upon them. These reports did not cause any conflict with

Mr. Sullivan

the military authorities; but, on the contrary, were productive of great advantage to the Service.

MR. RYLANDS thought the right hon. and gallant Gentleman had clearly evaded the point which had been put by the hon. and gallant Member (Major O'Beirne). A distinct question had been asked. Could the Judge Advocate maintain the authority of his decisions? The reply was, that the Commander-in-Chief could no doubt disallow his decisions. The question was—had his decisions any legal force whatever? When they talked about the Office as a Court of Review, the question was, whether it was a Court with any power of maintaining its decisions? The question was, whether this Office of Judge Advocate General was not merely that of an assessor, who gave an opinion, but had no power to enforce it? He thought they were entitled to inquire into a matter of this kind, for, surely, when they paid a salary, they ought to be sure that the Office was something more than a name, and the officer something more than an assessor. They would vote this money with much more satisfaction, if they had reason to believe that steps would be taken to give the Office more authority. He quite agreed that it was very desirable that the post should be held by a barrister of high authority, because then they would be certain that justice would be given where it was not now always given.

MR. CALLAN had listened to the debate for some time; but he was even now in great difficulty as to what were the duties of the Judge Advocate General. Surely, as that right hon. and learned Gentleman was present, they ought to have, and it was most desirable they should have, an explanation from him, as to his powers and authorities. As a mere matter of respect, he should explain to the Committee what were the powers and authorities of the office, before they were asked to vote this sum of £2,000 as a salary.

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several cases to which he had referred that always could be done, if necessary. What he complained of was that the courts martial were obliged to try out a case, even when a man pleaded guilty where he was obviously guilty, and where, accordingly, much time was wasted in the procedure. He would suggest that some plan might be found for shortening this procedure. They might have shorthand writers in some cases, and where that was not possible, then they could follow the old plan. At present, it was necessary to put down every bit of evidence, even when no one desired it. People seemed to think that officers' time was of no value, and that, therefore, all this rubbish should be stuck down, when a slight change might save a great deal of work. For his part, he had never known anyone having experience on the subject who did not think that these proceedings might be shortened with great advantage.

COLONEL ALEXANDER remarked, that the procedure had been shortened a good deal of late by the adoption of printed forms, and he thought something more might be done in that direction. As to cases where a man pleaded guilty, he had known one where the prisoner was afterwards asked if he had anything to say, and his statement showed that he was not guilty.

COLONEL COLTHURST agreed that it would be very undesirable not to record the proceedings where men pleaded guilty, for he had known a case also where a man pleaded guilty, and afterwards made a long statement which showed that he always meant to plead not guilty.

MR. SULLIVAN would like to ask the hon. and gallant Gentleman the Member for Brighton (General Shute), whether he correctly understood him to say that the decision of Sir Colman O'Loughlen, in the case of Sergeant Darrah, was overruled by the Commander-in-Chief?

GENERAL SHUTE replied that he never said anything of the kind.

MR. PARNELL thought it would be very satisfactory if the hon. and gallant General, in such circumstances, would inform the Committee what he actually did say. He (Mr. Parnell) listened very attentively to his statement. It was true that he did not

mention the name of Sir Colman O'Loughlen; but he stated that the Judge Advocate General in Ireland, at the time of the trial of Sergeant Darrah, decided that the evidence at the trial was illegal, and directed that the proceedings should be quashed; and that the Commander-in-Chief came to a different conclusion, and prevented the proceedings from being so quashed. It seemed rather difficult to discover what were the duties and functions of the Judge Advocate General. The Office seemed to him very much in the nature of a sinecure, and it would be very desirable if the functions of that Office could be defined and protected from the Commander-in-Chief or the War Office. There seemed to be considerable doubt even in the mind of the Secretary of State for War on the question, whether the Judge Advocate General could be interfered with by the Commander-in-Chief; and it would, therefore, be very satisfactory if he would introduce some Amendment which would carry out the views of the Committee, that the authority of the Judge Advocate General should be protected from interference. It was suggested that the present holder of the Office received it as a reward for his energetic obstruction of the Irish Church Act, the Irish Land Act, and the Ballot Act. The right hon. and learned Gentleman was certainly very energetic in opposing those measures; but, although obstruction was a very high function, which ought to be protected in every way, it did not necessarily entitle the person who exercised it to an Office when his Party came into power.

Mr. O'CONNOR POWER thought the question could not be left where it was now, and he was very strongly inclined to support the appeal made to the hon. and gallant Gentleman the Member for Brighton. He certainly understood the hon. and gallant General to refer to a conflict of opinions between the Judge Advocate General and the Commander-in-Chief of the Forces in Ireland; and if that was not what he intended to convey, he should like to hear anyone in the House, except himself, explain exactly what it was he did intend to say. He was also anxious to have some further explanation about this Office, because the Secretary of State for War seemed to have no definite idea of the respective powers of the Judge

Advocate General and the Commander-in-Chief. It seemed that when there was a conflict of opinion between them, the Commander-in-Chief had power to set aside the decision of the Judge Advocate General.

MAJOR NOLAN really thought he was entitled to an answer as to the forms of these courts martial. It was a substantial point, and while the answer was of importance it might be very easily given. If the Secretary of State for War acknowledged his responsibility, they would know who was responsible for them; but, at the present time, it was very uncertain who drew up these forms, and who enforced them.

COLONEL STANLEY replied, that the hon. and gallant Member certainly should know who was responsible for these forms, inasmuch as they appeared in the Queen's Regulations, signed by the Adjutant General. They could scarcely tell whether precisely the same policy would obtain in the future, because these rules would now for the first time be laid on the Table. As to the position of the Judge Advocate General, his decisions could be technically overruled; but, practically, they never were.

Mr. CALLAN thought, when a question had been put, it certainly should be answered by the person to whom it was addressed. He remembered the House for 10 years, and when he first came into it, he had a high respect for the Office of Judge Advocate General, which had been filled by several able men, such as Mr. Stuart Wortley, Mr. Headlam, and then, in 1868, by Sir Colman O'Loughlen, who was always ready to stand between offenders tried at a court martial and the Horse Guards. When he resigned, the Office was filled by one of the most eminent members of the Northern Circuit until the present Government appointed the right hon. and learned Gentleman (Mr. Cavendish Bentinck) to that post. He supposed that he was appointed because of his conversational qualities, for in that House he had never heard any statement by him showing his legal ability. The country required that the Office should be filled by one who was competent at least to explain to the Committee what were the powers and authorities he possessed, more especially when the Vote under discussion was whether they should vote him £2,000 a

Mr. Parnell

year or not. But, at present, the Committee was in a state of complete mystification; and unless the right hon. and learned Gentleman would condescend to explain what were his duties, they could only assume that he was in a state of mystification himself regarding them.

MR. CAVENDISH BENTINCK thought that the hon. Member who had spoken last (Mr. Callan) could not have been in his place during the whole of the discussion, or he would have heard the explanation that he had asked for, given at least three or four times, to the Committee. The principal duties of the Office which he had the honour to hold were to act as a Court of Review over all the district and general courts martial that were held elsewhere than in India; and he had, besides, to advise Her Majesty as to the confirmation of the findings of all general courts martial held on officers or soldiers. These were responsible duties in the highest degree. He had also to advise upon the construction of the Mutiny Act as far as related to criminal matters. The jurisdiction in matters arising out of the Mutiny Act not criminal belonged to the authorities at the War Office. It was also his duty to peruse the proceedings of every general and district court martial which came before him. In that work he was assisted by a deputy, who was a civilian, and by three other able officers. Two of those were not appointed by himself. One of them distinguished himself greatly by his knowledge of the subject before the Committee last year; and the third, and last appointed, was not only a Colonel in the Army, but he was also a barrister. That was, surely, a good guarantee that the duties of this Office were properly discharged. The hon. Member for Meath (Mr. Parnell) had remarked that he gained his Office as a reward for obstruction, and he could only reply that when the hon. Member could say that he had obtained an Office of that quality, as a reward for his Parliamentary services, he should be very glad to see the day.

MAJOR O'BEIRNE pointed out that while the right hon. and gallant Gentleman opposite (Colonel Stanley) had said that the Commander-in-Chief never overruled the decision of the Judge Advocate General, the hon. Member for Burnley (Mr. Rylands) had given

an instance where that had been done. It might often suit the financial arrangements of the War Office to do that; for if a purchasing officer were tried, they might set aside the verdict, and so confiscate his money. He should take a Division, unless a satisfactory reply were given.

SIR WILLIAM HARCOURT observed, that he had taken no part in that debate, because it seemed to him a great many of the questions raised might more properly be discussed in Committee on the Army Discipline and Regulation Bill. They could not, in Committee of Supply, alter the functions of the Judge Advocate General. He was not at all prepared to say that it would not be a good thing, in many respects, to alter the Office, as he understood the Judge Advocate General was not really a Judge at all; but he was an assessor to the military authorities, advising them upon the legality of any transactions which might have taken place at courts martial. Of course, that decision was not binding, any more than a decision of any assessor would be binding. The Judge Advocate General stood to the War Office, in fact, exactly in the same position that the Law Officers of the Crown did to Her Majesty's Government. They were generally guided by their opinion, and they would incur a very great responsibility if they departed from that advice; yet, if they chose, they were at liberty to do so. In the same way, the military authorities were at liberty to pass over the advice of the Judge Advocate General. He did think at one time that the law should be altered, and that the decision of the Judge Advocate General should be binding; but he withdrew that opinion, in consequence of the argument, which he thought an admirable one, that to do so would be to destroy the responsibility of the military authorities. At present, if they took any course which was unjustifiable, the House could call them to account; but if they could shelter themselves behind the decision of the Judge Advocate General, and could say they had no power to over-rule his decision, then the highest military authorities would be able to impose this authority of the Judge Advocate General between themselves and the country. With regard to the Vote, he had not heard anybody suggest that the duties of the Office

were not discharged well and thoroughly. The right hon. and learned Gentleman had advised the military authorities for some years, and they had never heard that his advice was not sound and right. Therefore, under such circumstances, he thought it would be far more convenient to discuss these suggestions for alterations in Committee on the Army Discipline and Regulation Bill, and to proceed with their work so far as this Vote was concerned.

MR. SULLIVAN considered that this was the first time that they had heard any real explanation of the duties of the Office; and it was sufficient, in his opinion, to justify his hon. and gallant Friend (Major O'Beirne) in not taking a Division.

MAJOR O'BEIRNE desired to withdraw his opposition, now that the proper explanation had been given them of the duties of the Office, although he had had to wait a very considerable time for the explanation.

SIR ALEXANDER GORDON said, the Committee had received an explanation which he could assure them was not correct. The hon. and learned Member for Oxford (Sir William Harcourt) was under the impression that the Judge Advocate General was only the adviser of the military authorities, and that they could take his advice or not as they thought proper. That was a mistake. The Judge Advocate General was responsible for the legal part of all general courts martial. He took the Sovereign's pleasure himself upon that point, and if he advised the Sovereign that a court martial was illegal, the military authorities could take no action. He was not simply the legal authority of the military authorities; but he was the Legal Adviser of the Sovereign, and in direct personal communication with her.

MR. CALLAN thought they were worse off than ever, for they had had a lengthy explanation from most of the ablest lawyers in the House, and then they were assured by one of the most experienced military Members of the Committee that that explanation was not correct. All he could say was that if the Judge Advocate General was merely a legal assessor, it was the dearest Office to the country, and the best paid one in Her Majesty's Service.

Motion, by leave, *withdrawn*.

Sir William Harcourt

MR. PARNELL wished to bring one or two small points under the attention of the Secretary of State for War. Under sub-head B, the payment of acting Judge Advocate in the Colonies last year was only £20, this year the amount was £50. Then, again, the Colonial charges were £130; while this year they were only £100. This appeared to him to indicate some looseness in drawing the Estimates.

COLONEL STANLEY explained that in dealing with many portions of the Estimates, when the amounts fluctuated, they had to be guided by the experience of the past, and that was the explanation of the difference in this case.

MR. PARNELL pointed out that the rewards for the apprehension of deserters had risen very fast even compared with last year. There was an increase of 25 per cent, while there had also been a steady increase in the amounts for the last five or six years, and, in fact, ever since Mr. Cardwell's Government. In 1875-6 the amount was £1,800; in 1876-7 it was £2,000, in 1878-9 it was £3,000, and this year it was £4,000. He was afraid this indicated collusion in certain cases between the people who got the rewards and the deserters. The amount given was very large. They might have men committing desertion in order to obtain the reward.

MAJOR NOLAN did not believe that there was any collusion, as had been suggested; but still this item ought to be very carefully watched. He believed the police very often apprehended soldiers who were not deserters, but were simply absent without leave, in order to get the reward of a pound. Very often a man overstays his leave and deserved punishment; but would yet come back if he were not apprehended. But it was not merely a case of a reward to the police, for an expensive escort had to be sent to fetch the man, and they had besides, the trouble and expense of his trial.

COLONEL ALEXANDER also thought the item should be very carefully watched. A short time ago, when private soldiers were allowed to apprehend deserters, men used to agree to divide the reward, and the thing at last became so apparent that an Order was issued forbidding private soldiers to receive it. Now, a magistrate had to cer-

tify that the policeman in question was entitled to the reward, and that had to be countersigned by the commanding officer of the battalion.

COLONEL STANLEY quite agreed that this item required very carefully watching. Last year, the amount was exceptionally high, because there were an unusual number of enlistments, and he was sorry to say the ratio of desertion followed that of enlistment. He knew that in the past there was certainly some ground for suspecting collusion; but he did not believe it existed at all now. He hoped next year they would find a falling off in this item.

Original Question put, and *agreed to*.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £266,200, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1880."

LORD ELCHO said, there were two points connected with the Vote to which he wished to call attention. One, with reference to the health of our troops in India; and the other, as to the provision made for the sick and wounded in South Africa. His attention had been drawn to the first subject by Lieutenant General Lord Mark Kerr, who thought it was not conducive to the health of the troops that the same hours for meals should be kept in India as in England. At present they got their dinners in the middle of the day, and the result was that the troops suffered a good deal, and there was great loss of life. Lord Mark Kerr said that when he altered the hours of meals, he found the men much better in health than under the old system. This, however, being a new practice, objections were raised, and he was ordered to discontinue it. He brought the matter before the authorities in England, and a Correspondence ensued on the subject, which His Royal Highness the Duke of Cambridge marked as a matter of grave moment. He (Lord Elcho) was anxious to get copies of this Correspondence, for the matter seriously affected our troops; but there was great difficulty in doing so. There was no record of this Correspondence at the War Office, although marked as of grave importance by the Commander-in-Chief. It had been sent out to India, it was said, nine months ago; but now

that the attention of the right hon. and gallant Gentleman the Secretary of State for War had been drawn to this matter, he hoped he would take care that the question was not allowed to drop. He hoped, also, that the right hon. and gallant Gentleman would see if it was right that the change should be made. As to the second point, rightly or wrongly, an impression appeared to prevail that, so far as the Government was concerned, sufficient provision had not been made for the sick and wounded in South Africa. It was believed that the provision was inadequate, and that the supply of doctors and of medical stores was insufficient, and that nurses were wanted. If that was the case, it was a very serious question, and told very badly for the administration of the War Office. It was incredible, after the sums of money that had been voted, that our soldiers should be in the state described. Committees had been formed by ladies and gentlemen, at the head of which were persons of both sexes, who had shown on many occasions their zeal and kindly feeling; among them being Lady Burdett Coutts and the Duke of Sutherland, who were exerting themselves in the matter to do what ought to have been done by the Government. At the church which he attended, the day before, the preacher asked them to subscribe double, not only for the hospitals, but also to enable him to send aid for the benefit of our sick and wounded soldiers in South Africa. It was discreditable to the Government, and to all concerned, if they were in such a state, that, at the commencement of a war with a small nation of savages, these committees should be required, and that there should be these collections for their soldiers in their churches. Such a thing should not be necessary, and it did not reflect credit upon the Government for their administration. He was inclined to believe, however, that they were ill-informed, and that stores did abound. He had seen a statement, as he supposed, in the nature of a *communiqué*, which stated that not only were the stores fully sufficient, but that the amusement and comforts of the soldiers had been attended to. Of course, everyone would be willing to give subscriptions, if needed; but if they were not necessary, they would only look foolish in the eyes of Europe, if they were thus to ask for private aid.

DR. LUSH hoped that the right hon. and gallant Gentleman, in view of the difficulty of providing properly-qualified medical officers for the Army, would carefully consider the whole subject. Even at the present time, when we were engaged in a war of considerable dimensions, the number of surgeons who joined the Army in the year was absolutely less than it was last year; while, at the same time, the increase in the allowances had gone up from £11,000 to £19,000. He could only suppose that that arose from calling in the aid of civilians. It seemed to him that this was the proper time to press upon the right hon. and gallant Gentleman that he should consider the position of the medical officers in the Army, in order to induce a more free enlistment. He was well aware that there was a strong indisposition to enter Her Majesty's Service, and he earnestly trusted the right hon. and gallant Gentleman would do his best to provide properly-educated men for the Service.

MR. ONSLOW begged to state that he was nine months with a British regiment in Calcutta, and he never once heard either an officer or non-commissioned officer express a wish that the time of the meals should be changed. If they were altered to the evening instead of the middle of the day, how was it possible for the British soldier to get any exercise? Parades, after a late meal, were utterly impossible, and anybody who had any experience of India must know that it would be highly injurious for the British soldier to take violent exercise so soon after the dinner hour. It must be recollected that in the hot season, the evening was the only time during which out-door amusements could be prosecuted. He hoped his right hon. and gallant Friend would not accept the suggestion of the noble Lord, which he believed would be very detrimental to the Army in India.

LORD ELCHO replied, that the hon. Member had spoken on a matter of which he could have no knowledge as there had apparently been no trial of the change of system in the regiment to which he had referred. His (Lord Elcho's) statement rested on the experience of a General Officer who did make a change, and found, as a result, not only that the sick list greatly diminished, and that the regiments were more effi-

cient, but that the men had ample time to perform their military duties.

COLONEL STANLEY said, he did not understand that the noble Lord intended to advise this change, but only to ask for the Correspondence on the matter between the authorities at home and in India, and to request that he should endeavour to hasten the printing and publication of the Correspondence on the subject. He had already verbally assured his noble Friend that he would do so. The Correspondence, a short time ago, was sent to India for certain observations, and he would have inquiries made about it. Then he was asked, with great justice, as to the provision for the sick at the Cape. All he could say was that though, undoubtedly, there was a certain amount of sickness, for the climate there, itself, was very bad—the heat during the day being great, and the cold by night great, which was always followed by a certain amount of climatic fever—still, from all he could hear, that fever was by no means severe, and, from the last Report, the percentage of sick was something approaching 5·76, which would be low even for this country. He gave the figures, however, with great caution, because they had to be corrected. But the inference to be drawn from them certainly was that the amount of sickness was by no means excessive. With regard to the wounded, there were, comparatively speaking, but a small number of them, and for various reasons there would most likely be a large number brought to the station hospitals. He was informed, however, that the hospital accommodation was far in excess of anything contemplated short of two or three general actions of very large dimensions. With regard to want of medical comforts, so far from that being the case, he was able to say, having a very large correspondence, both public and private, with officers at various parts of the field, that in only one case had he heard of any deficiency named, and that was one which would be remedied. On the Lower Tugela an extra allowance of quinine had been given out, and an apprehension existed that the supplies would run short, in consequence. The last Report he had received, however, stated that the hospitals were fully equipped, and expressly made no demand whatever for any further medical comforts, or for any addition to the

Staff. That must be received as evidence of very considerable weight, and he saw no reason to apprehend that the hospital arrangements would be found insufficient for the requirements of the Service. He hoped the Committee would allow him to point out in how very difficult and delicate a position he was placed. On the one hand, no demands had been made for further aid; and, on the other hand, he was extremely averse to stand forward, either officially or otherwise, between a very natural, kind-hearted and spontaneous desire in the country to render aid. Nobody, of course, was so well off but that they could afford to be better off; and, no doubt, from this feeling, people were anxious to do all that lay in their power, in the hope of giving some assistance and of rendering some relief, although there was no positive want. His hon. and gallant Friend near him (Colonel Loyd Lindsay), the Chairman of the National Aid Society, had been good enough to inform him that he had sent out a credit of a considerable amount to an officer of experience, who was one of the Commissariat in Africa, and had exerted himself in similar ways in other countries; that that officer had drawn upon the fund to a very small amount indeed; and the purposes for which he had drawn upon it had been to provide comforts which some people would call luxurious, such as tobacco, and things of that sort, for the men. That all seemed to him to point to the fact that, at the present time, the medical wants were fairly supplied, and even more than fairly supplied. He could not say that at some particular places on the line of march, or out of it, that there were not some cases of need. They did not expect to find a whole chemist's shop in the Highlands. The difficulty had simply, therefore, been one of transport; and, as far as he could understand, wherever it was possible hospitals had been established and medical comforts had been provided, which had proved fully sufficient. If he were aware of anything to the contrary, by accident or otherwise, it would be his duty at once to make it known to the House. At the present time, however, he believed that that was not at all so. Although a considerable quantity of stores went down in the steamship *Clyde*, and were lost, yet immediately that was known in this country, and without waiting for transport, steps

were taken to send out supplies by the mail boats, as fast as was possible. It would be of interest to the Committee that they should know exactly the number of men on the spot. At the present moment, in the Medical Department proper, there were 58 officers at the Cape, 7 on the passage, and 13 under orders. Of the Naval Medical Department—present, 4; on passage, 2. Several surgeons, exclusive of those employed locally—38 present and 2 on passage. Army Hospital Corps, 8 present and 1 on passage. Non-commissioned officers, 275 present and 108 on passage. He might add that within the last few days, though no demand had been made upon him, he had thought it advisable to place under orders 1 lady superintendent and 6 nurses attached to the hospital at home, which was in addition to any medical aid afforded by private enterprise in the Cape. He believed that no Army in the field had ever had its medical wants so far met in proportion to its strength; and he felt sure the Committee would have confidence that if any further medical demands were made they would be met to the best of their power. With regard to the Medical Department, he was sorry to say that, even at this period of the year, he was not able to speak with entire certainty. These matters of revising the conditions of service were always matters of considerable delay; but, speaking generally, he might say that, provided he could obtain the assent of his right hon. Friend the Chancellor of the Exchequer, and of his hon. Friend the Financial Secretary to the Treasury, it was his intention, as far as possible, to carry out the recommendations made by the Committee appointed by his Predecessor, as to the pay and the status of the medical officers. It was, for obvious reasons, not very expedient to deal with details at that moment; and he did not apprehend that it was entirely a matter upon which it would be wise to lay down abstract principles. But there was one point which had given him and those who acted with him, and for whose assistance he was deeply obliged, very considerable difficulty. That was a recommendation which he feared had given rise to a good deal of misapprehension—that certain medical bodies should have the power of nominating candidates for the medical service. It was

suggested that vacancies which had arisen should be filled, as to one-half, from qualified candidates, to be proposed by the Governing Bodies of the various Schools of Medicine in the United Kingdom and in the Colonies. And it was proposed that the candidates so nominated should have certificates from the body nominating them, according to a standard to be laid down by the Secretary of State for War, and approved by the Director of the Medical Department. It would be necessary, in such a case, to fix the order of precedence and the proportion in which the several Schools of Medicine should be offered nominations. He was afraid that that proposition—made with very good intentions, and one which, in his opinion, had much to recommend it—was received somewhat unkindly on its appearance in the world. It was said to be a reversion to the system of nominations, and the Government were charged with departing from the principle of competition. But he must point out that competition ceased when there were not enough competitors for the vacancies; while, on the other hand, there seemed to be very much to encourage him to believe that it would be wise to endeavour to enlist on their behalf the sympathy of the Schools of Medicine. They might help the Government by selecting a certain number from their pupils who might wish to take to the Army as a profession for life; and he did think it was a proposal from which they would derive considerable advantage. He hoped to derive some help of this kind from the hon. Gentleman the Member for Salisbury (Dr. Lush) and his right hon. Friend the Member for the University of Edinburgh (Mr. Lyon Playfair). Those Gentlemen had been good enough to say that when the time arrived—as he now hoped it had arrived—that other matters should be disposed of, that they would be quite willing to confer with him on the subject. He hoped, from their great knowledge of the medical service outside, and from their acquaintance with the general condition of the Profession, to derive considerable advice and assistance. If this nomination system could be carried through, and it were used in the sense intended, it would be a matter of un-mixed benefit to the Army Medical Department, and in a certain sense, also,

Colonel Stanley

to the Colleges which had these nominations to assign. If, on the other hand, the scheme were not properly taken up, the arrangements would certainly be exceedingly objectionable. He would not go into all the details of the question; but it certainly was a subject of great interest, and he was not sorry to have had that opportunity of explaining what action the Government were proposing to take.

SIR ALEXANDER GORDON said, that notwithstanding the fact that this Vote had been reduced by the transfer of the sum of £9,700 for treatment of lunatics to Vote 23, the total amount of the present Estimate had increased by £9,653, an increase which arose from the additional payment of £9,898 to the Medical Department, and £9,480 for Militia surgeons and civilian medical practitioners. But, although he presumed that the number of medical officers had been increased proportionately, it was a remarkable circumstance that the amount of charge for the cost of medical stores remained precisely the same as it was in the previous year—namely, £23,000. On that ground, therefore, he could not understand why the salaries to medical officers should have been increased to the extent of £18,000, or thereabouts; and he trusted that the right hon. and gallant Gentleman the Secretary of State for War would be able to afford an explanation of the circumstances rendering necessary this additional charge. Again, he wished for some explanation as to why the amount of £9,700, charged for the treatment of lunatics in the Army, had this year increased to £17,200, as would be found to be the case by reference to Vote 23, page 123. The amount, according to the Estimates, had very nearly doubled since last year. He had never heard any reason why lunatics in the Army should have increased at such a rapid rate.

MR. PARNELL said, the method adopted by the War Office in transferring the charges for lunatics to Votes 19 and 23 was not in accordance with the recommendations of the Controller and Auditor General. As the Audit was a very recent institution, and was, to a certain extent, upon its trial, he thought it most important that the recommendations of the Controller and Auditor General should be carried out;

and it would be very greatly to be regretted if the Audit were to be vitiated by failing to carry out those recommendations. It would be quite impossible for the Controller and Auditor General to audit the accounts unless the system proposed by him were followed. He saw, on page 30 of the Estimates, that the charge for military and civilian clerks and messengers, which last year stood at £1,716, was, in the present Estimate, only £732. Inasmuch as this charge, in his opinion, was almost of a fixed kind, he could not understand how the reduction had been brought about. While upon the subject of the Medical Vote, he might, perhaps, be permitted to refer to a matter which arose out of the last question which was before the House—namely, the treatment of the wounded in South Africa. The Committee, he was sure, had listened with a great deal of satisfaction to the assurance of the right hon. and gallant Gentleman the Secretary of State for War that there was ample provision in South Africa for the treatment of the wounded. Although the subject was a painful and disagreeable one, he still felt it his duty to bring before the Committee that although in war it was always customary and usual to bring the wounded belonging to the enemy into hospital, and give them the same treatment as your own wounded, he had seen no instance during the war in South Africa in which the wounded enemy had been so treated. The number of wounded, however, must be very great; and he felt sure that the right hon. and gallant Gentleman, if he had not already done so, would give directions that the Zulus should be treated as civilized enemies, and not as if they were savages: and that when taken prisoners they should be cared for as kindly as if they were our own soldiers.

SIR WILLIAM FRASER, referring to the opinion of a general officer of great eminence who had served in all parts of the world, that—

“If you wish to benefit the soldier, the attention of the War Office should be directed to rendering the condition of dental surgery in the Army more efficient; there is hardly anything from which a soldier suffers more than from the imperfect manner in which this is attended to both at home and abroad;”

said, he believed that during the last few years a certain number of medical

officers had gone through a course of instruction in dental surgery. Although, of course, it was necessary that liver complaints should be attended to in India and elsewhere, yet a man could get on better with a tolerably bad liver than with unsound teeth—particularly considering the kind of food which soldiers had to eat—if these were unsound, there would be but imperfect assimilation. He would be glad to know whether any means whatever existed by which soldiers could get rid of their torments from toothache, or have them at least ameliorated?

COLONEL STANLEY was not aware that any complaint had been made in the Army with reference to the condition of dental surgery; but he would cause inquiry to be made into the matter. With reference to the remarks of the hon. Member for Meath (Mr. Parnell), he could not remember to have seen in any official document that mention was made of the Zulu wounded being treated in hospital. It was very well known that, in almost all circumstances, savage nations would contrive to carry off their wounded, and he fancied, therefore, it was owing to that circumstance that very few wounded had been under treatment in hospital. But he did remember having seen in another document that some sick Zulu prisoners had been brought to Fort Tenedos, and there treated precisely as were our own men. Whatever might be the faults of the British soldier, cruelty to prisoners could not be reckoned amongst them; and he felt sure that the wounded Zulus would receive every necessary attention which it was possible to afford them. It was, perhaps, another question whether they could be treated in hospital, because the duty of the surgeon would be to consider first the men of the British Service, after which the Zulus would, no doubt, be treated with all possible kindness and attention. With regard to the increased charge for pay, he had been very anxious to give effect, as far as possible, to some improvements suggested in the Army and Navy Services; and, therefore, with the concurrence of the right hon. Gentleman the Chancellor of the Exchequer, he had taken a round sum for this purpose. The increase was partly accounted for in that way, and partly by having to meet the additional pay to which officers were entitled for active service under the

Royal Warrant. With regard to the points raised by the hon. Member for Meath, it was, of course, very useful to have the criticism of the Controller and Auditor General, which he (Colonel Stanley) had never at any time opposed; and he thought that his advice, as in most other cases, would probably be followed in the present instance. Indeed, his directions were cordially accepted wherever matters of principle were involved.

SIR ANDREW LUSK said, the present Vote was one to which no exception could reasonably be taken, as the Medical Departments both in the Army and Navy were known to do their work fairly well. The hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) had found fault with the present Estimate because it appeared that more medicine was not given in the Army; but it appeared to him (Sir Andrew Lusk) that, perhaps, the less medicine given the better. The explanation of the Vote which had been given by the Secretary of State for War was, in his opinion, perfectly satisfactory.

MR. BIGGAR said, the explanation given by the right hon. and gallant Gentleman the Secretary of State for War with regard to the treatment of Zulu prisoners was imperfect. The right hon. and gallant Gentleman had truly said that there was no official account of their having been attended to at all, which, although he had pointed out that some sick Zulus had been treated at Fort Tenedos, appeared very like a corroboration of the suspicion that all the Zulu wounded were killed in cold blood, by authority of the officers in command. Of course, he did not say that such was the case; but it looked suspicious. He joined issue with the right hon. and gallant Gentleman upon the statement that British officers had never been charged with cruelty to their enemies. He thought it was not very long ago that it appeared in one of the morning papers—and he, of course, referred to the circumstance as being subject to correction by the soldiers and officers at the place whence this information came—that a number of Afghan prisoners had been shot in cold blood.

THE CHAIRMAN drew the attention of the hon. Member for Cavan (Mr. Biggar) to the fact that the Committee

were now discussing the Vote with reference to the medical establishment of the Army.

MR. BIGGAR said, he was simply replying to the statement made by the Secretary of State for War, that no charge of cruelty had ever been made against British officers and soldiers. To that statement he (Mr. Biggar) answered by producing a case in point, where such a charge had been made, and up to the present time had never been contradicted. He was about to add that the right hon. and gallant Gentleman should give the subject a little further consideration, and at once send out instructions to South Africa that the Zulu wounded should have as fair treatment as was customary amongst civilized nations in dealing with their enemies. Had the right hon. and gallant Gentleman said he would do so, his promise would have been sufficient; but he had confined his observations to saying that there was no evidence that the Zulus had been otherwise treated. He (Mr. Biggar) thought that the evidence was strong that they had not been treated as prisoners of war; and unless some promise was given that instructions for their treatment in this respect should be sent out, it would go forth to the world that England was not dealing with the Zulus in a civilized manner.

MR. MELDON, in rising to move the reduction of the Vote by £5,000, on account of the amount charged for the payment of Militia surgeons and allowances to civil medical practitioners, said, he should have been glad to make the sum a little more specific; but, unfortunately, the information necessary to enable him to do so had, for some reason or another, been withheld from the Estimates. He believed it would be found that £5,000 was the amount of the Vote taken for civil medical men employed in the Army Medical Department. For some years past most serious complaints had been made about the administration of the Army Medical Department; and the question raised was one which seriously affected the Medical Profession in Ireland, from which country a very much larger proportion of medical men entered the Service than from either England or Scotland. Unfortunately, owing to the very great maladministration of this Department, the Service had become exceedingly unpopular. The

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Motion upon this subject, of which he had given Notice early last Session, had been postponed on the understanding that a Committee was to be appointed to consider the best way of regulating the Army Medical Department; but since that time nothing substantial had been done, and no reform had taken place. The public were informed that the Committee had reported, and that their Report was about to be placed upon the Table of the House; but it was also understood that one of the Heads of the Department had chosen to set himself against the recommendations of the Committee. Upon this point the right hon. and gallant Gentleman would, perhaps, be able to state whether the fact was correctly stated. It was certainly the impression in Ireland that the necessary reforms had not taken place owing to the action of the Director General of the Army Medical Department, who appeared to be a stumbling-block in the way of improvement. There was the greatest anxiety in the Profession to enter the Service; but, owing to the way in which the Department was managed, it was, nevertheless, found necessary to employ large numbers of civilians to do the work which ought to be performed by Army medical officers. He had just been informed that no less a sum than £13,000 had been paid up to the present time for the services of medical men in the Colonies; and, considering how many men in the Medical Profession were ready and willing to enter the Service, such a state of things was most improper. Again, in the Irish garrison towns, there was a supply of civil medical men rendered necessary by the dearth of those employed in the Service. Such a state of things ought not to exist, for there was no lack of competent men ready to join the Service if only the Army Medical Department were properly administered. It was, as he had already pointed out, admitted last year that the Department required reform; but, notwithstanding that admission, they had, since that time, finished one war and were engaged in another, without anything having been done in this very important matter. Another question, which he believed had been advanced on Friday last, was as to the way in which Army medical men were treated who were forced to come home on account of ill-health. As he had already pointed

out, a large number of civilian medical practitioners were being employed in Irish garrison towns; but while this system continued, there was also a large number of men invalided from foreign stations who were as perfectly competent to do the work in those places as any medical men who could be found. This question of the employment of medical officers invalided from foreign countries, who were still perfectly able to do their work, had been brought to his attention more than once. In the case of a medical officer invalided, he believed from Malta, it was intimated that he should continue his leave on half-pay, or withdraw from the Service. The officer in question, however, went before the Medical Board, and they reported that he was perfectly fit for any employment he could get at home, and that, when he got a little better, he could go abroad again; notwithstanding this, he was refused employment. On public and private grounds, therefore, he put it to the Secretary of State for War that these large sums of money should not be paid to civilians, while there were plenty of men invalided from abroad, who were perfectly able to do the work required. The practice was to give six months' sick leave to medical men invalided on foreign stations, who, if they did not choose to get well in that time, were actually forced out of the Service. By this system a great injury was done to the Public Service as well as to individuals; and the amount by which he moved the reduction of the present Vote was incurred by the very matters to which he had alluded. He, therefore, moved the reduction of the Vote by £5,000, on the assumption that that sum represented the amount paid to civilian medical men; but if it were shown that he was in error, he should be willing to move its reduction by the amount actually paid.

Motion made, and Question proposed,

"That a sum, not exceeding £261,200, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1880."—(Mr. Meldon.)

MR. PARNELL agreed with the hon. and learned Member for Kildare (Mr. Meldon) in thinking that medical officers of the Army had some reason to com-

plain that their services were not availed of in places like the Colonies; and that, instead of this, large sums of money were voted for paying private medical practitioners in those places. He wished to direct the attention of the Committee to the fact that two years ago this item stood at only £500; that it had since risen to £5,840 last year, and then sprung to £13,805 in the present Estimate. These were certainly very remarkable jumps and changes in an item which he thought was, to a great extent, objectionable, and of which the medical officers in the Army were entitled to complain. Again, there was an increase in the Medical Department for the pay to surgeons general, deputy surgeons general, surgeons major, apothecaries and other medical officers, the amount under this head standing in the present Estimates at £196,000, as compared with £187,000 in those of last year; and he thought it would have been very much better if it had been made clear how much of this extra pay would go to the six surgeons general, and how much would go to the surgeons major, as well as other medical officers, so that the Committee might have been able to gauge the benefit likely to result to the working men of the Profession, and be certain that the amount was not spent in giving increases to men having already high salaries.

COLONEL STANLEY, in reply to the hon. and learned Member for Kildare (Mr. Meldon), regretted that the hon. and learned Gentleman had not been present at an earlier period of the Sitting, when he had stated that it was his intention to carry out, as far as possible, the recommendations of the Committee of Investigation, appointed by his Predecessor, which affected the pay and status of medical officers in the Army. He was now in communication with the Chancellor of the Exchequer upon this subject, with a view to obtain his concurrence. He pointed out, with regard to the increase in the pay of civil surgeons, that the additional amount was due, in a great measure, to the number of those practitioners now employed at the Cape. He quite admitted that the Army Medical Department was not in a satisfactory condition; and, for that reason, he ventured to propose to the Committee and to the Chancellor of the Exchequer that it should be dealt with

under a Royal Warrant. It had also been decided that the six months' sick leave should, in the case of medical officers, be extended to 12 months. This, of course, would necessitate an increase in the number of officers to be employed in the Department; and as the average number of medical officers invalided was 37 during the year, the change practically meant an addition of 37 medical officers to the establishment. With regard to the military and civil clerks, it had been thought desirable to make a transfer of the charge for clerks and Army accountants, with the concurrence of the Controller and Auditor General. With regard to the increased salaries to particular officers, the hon. Member for Meath (Mr. Parnell) would find, upon reference, that these were set forth according to rank in the Royal Warrant, and according to which all payments of this kind in the Army were made. In answer to the hon. and learned Member for Kildare, he hoped, in connection with the new Warrant in course of preparation, that advantage might be taken of the services of officers on half-pay resident in country towns, to whom employment would, in some cases, be open.

SIR THOMAS ACLAND hoped that the Secretary of State for War would consider whether the system in existence at Netley Hospital, which worked so well, and in accordance with which ladies superintended the care of the sick, might not be extended to other garrison hospitals.

MR. O'SHAUGHNESSY, referring to a draft Report by a distinguished military officer to the War Office, with reference to the cadets at Woolwich, in which it was pointed out that a half-bottle of claret was in some cases allowed to the cadets at dinner-time, by order of the medical officers, said, that it was, in his opinion, a great mistake to encourage the use of stimulants by the young men at Woolwich. He had no wish to suggest that pressure should be brought to bear upon the medical men at Woolwich; but merely expressed a hope that the right hon. and gallant Gentleman would not lose sight of the suggestions of the responsible officer referred to. He desired to impress upon him the necessity of suggesting, as strongly as possible, to the medical men in charge of the cadets that the treat-

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ment prescribed for them should not include such effeminate luxuries as the gallant officer had complained of, and that it should conform, as much as possible, to the hard labour to be undergone by them hereafter. He thought it would be very prejudicial to the interests of the Academy at Woolwich that this subject should be allowed to pass unnoticed; and that, as far as practicable, the necessity for Spartan simplicity should be impressed upon the young men.

MAJOR NOLAN had listened with much amusement to the remarks which had just been made with reference to the Royal Academy at Woolwich. The cadets at the present time were young men of 18 or 19 years of age; and there was, in his opinion, nothing in the fact of such young men drinking a pint of claret, for the young ladies in the convents at Paris were accustomed to drink wine both at breakfast and dinner. He could not help thinking that the gallant general referred to felt shocked at the progress made in the world during the last 20 years. It was a very different thing to drink a pint of claret at the present day to what it was 20 years ago, when the wine cost 10s. or 12s. a bottle. He did not think that anyone found fault with the qualities displayed by our cadets; and as long as they were physically fit for their duties, it appeared to him a matter of perfect indifference what they drank at their dinner. He could not help thinking that the hon. and learned Member for Limerick (Mr. O'Shaughnessy) had been taken in by the Report to which he had referred.

MR. O'DONNELL rose for the purpose of protesting against the assertion of the hon. and gallant Member for Galway (Major Nolan), that wine was the common beverage of young ladies in the convents of France. He happened to have some friends in convents in France and Belgium; and he might say that the general rule in those convents was that they were strictly prohibited from using wine of any kind. He did not wish it to go forth that wine was the common beverage of ladies in foreign convents.

MR. BIGGAR had understood the right hon. and gallant Gentleman the Secretary of State for War to state that certain alterations were under consideration, and were intended to be embodied in a Royal Warrant; but, so far as he

knew, the nature of those alterations had not been stated, and he thought it would be much more satisfactory if they were explained to the Committee; if that were done, hon. Members would know what they were dividing upon. He believed that there was nothing more certain than that a man who had made a particular branch of the Profession his special study was far more thought of than an ordinary practitioner. The military authorities prepared a certain number of surgeons for the Medical Service of the Army; but, for some reason or other, they did not train a sufficient number of men for that purpose. The result was that the deficit had to be made up by the employment of irresponsible general practitioners, who had no special knowledge of the particular diseases which were likely to break out in the field, nor had had any experience of the treatment in military hospitals. In each year, recently, they had had an increased charge for the employment of these general practitioners, and a very large sum of money was paid that year by the country on account of them. He thought it would be of great use if the Committee were informed of the alterations which it was proposed to make.

MR. MELDON said, that so far as the new Warrants were concerned, the Committee was in a complete state of uncertainty. At an early period of the Session they were told that a Committee had recommended certain alterations, and that a Warrant was about to be prepared; but up to the present time they had not been told what the Warrant was to consist of. If the right hon. and gallant Gentleman the Secretary of State for War would only tell them that he withheld the information as a matter of discretion, in view of the Public Service, he (Mr. Meldon) should not think of pressing his present Motion. But no such allegation was made by the right hon. and gallant Gentleman. There was another point to which no reply had been given; they had received no explanation why an extra amount of civilian medical men had been employed during the past year. The cost for those persons had increased from £500 in the year before last to no less a sum than £13,805 in the present year. It might be inferred that the present war in South Africa had some-

thing to do with that; but these Estimates had been prepared, as they had been told, before the war in South Africa broke out, and the increased amount could not be accounted for on that ground. The other question to which he should like to receive an answer was as to invalided medical men. Army surgeons were now invalided from foreign service and sent home; but they ought not to be taken out of the Service when they had recruited their health. At the present time, when a medical man was invalided and sent home he was not employed in this country when his health was restored; but a civilian was employed in his place. That was a double injury, for it deprived the officer in the Medical Service of half his pay, and it injured the public in having to pay for the civilians, who were brought in unnecessarily. There was no reason why a medical man who had been invalided from abroad, and had recruited his health in this country, should not be capable of discharging his duties at home, even if he were not capable of again undertaking foreign service. Why should the country be put to the expense of employing civilian medical officers when the medical officers of the Army were perfectly able and willing to discharge the duties? As no explanation had been offered upon these two points, he should feel himself justified in dividing upon the Motion. He could see no justification for saddling the country with the double burden of paying the civilian medical officer as well as the half-pay Army surgeon.

COLONEL LOYD LINDSAY hoped that the hon. and learned Member for Kildare would not think it necessary to divide the Committee upon this Motion. The Committee had been occupied a considerable time in the discussion of the Vote, and ample explanations had been given concerning it. One point to which attention had been directed was the increase in the item for the employment of civilian medical officers. He thought that it would be seen that the increase was, in some respect, due to the fact that civilian medical men had been sent out to the Cape, and were receiving very large remuneration—a civilian at the Cape would expect to receive much more than an officer of the Medical Department of the Army, and the allowance to

those gentlemen was sometimes at the rate of two guineas, and sometimes one guinea a-day. That, he thought, was a sufficient explanation of the increase in the Vote. He thought that as the matter had now been under discussion for a long time, it would be felt that every information that could be given had been afforded, and that the Vote should now be passed. If any further information were required, he should be happy to furnish it.

Mr. PARNELL remarked, that the explanations offered did not seem to touch the point. Attention had been drawn to the fact that from £500, two years ago, the charge for the employment of civilian medical officers had now risen to £13,805. That large sum was spent in obtaining medical practitioners to undertake the duties which the Medical Staff of the Army were not sufficiently numerous to perform. He did not see, however, why so many civilians should be sent out to the Cape, for it prevented the medical officers of the Army from going there. The right hon. and gallant Gentleman the Secretary of State for War had alleged that the need of extra medical assistance was caused by the outbreak of the war in Zululand. But the right hon. and gallant Gentleman, in making that explanation, contradicted himself; for he told the House, on a previous occasion, that the Estimates were prepared before the war at the Cape broke out, and, therefore, without taking into account what was required for that war. Therefore, this very large sum of £13,805 was not rendered necessary by the warlike operations now being conducted in South Africa. He could not understand what seemed to him to be a very great contradiction between those two statements of the right hon. and gallant Gentleman. He should like to know how the Secretary of State for War reconciled the two statements he had made?

COLONEL STANLEY said, that it was quite true that the Estimates were prepared before the war in South Africa broke out. But when the war took place, it was necessary, from time to time, that a number of surgeons should be sent out with the columns in the field. For that purpose civilians were employed, and their pay was at a higher rate than that of the officers of the regular establishment. It should be borne in mind, however, that the gentlemen so employed

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would only be entitled to be paid during the time they were actually engaged, and would receive no pension.

MR. MELDON thought that he was entitled to some little explanation of the burden of his speech, which had been passed over without remark. He had stated, that if it was a matter of discretion with his right hon. and gallant Friend to conceal the contents of the Warrant which he proposed issuing, he would not press the matter; if, in the exercise of his discretion, he had told the Committee that he felt bound to withhold the information, then he (Mr. Meldon) should not feel himself compelled to go to a division upon the matter. In respect of medical officers invalided from foreign service, it was not for an increase of their leave that he applied—although he was bound to say that he was very grateful for the concession in that direction—but it was with respect to the employment of civilians in their place when they were competent for the duty. A civilian was employed to discharge the duties of an officer of the Medical Service and was paid in full, while the Army medical officer was kept on half-pay. He thought that the medical officer belonging to the Service should be employed in some Department so soon as he was certified to be fit for it. This point had not been noticed by the right hon. and gallant Gentleman the Secretary of State for War, and he hoped they would have some explanation with regard to it.

COLONEL STANLEY stated, that he had explained twice what was the intention of the Government. On the first occasion the hon. and learned Gentleman was not present, and he thought the explanation was accepted as satisfactory by the Committee. He repeated the explanation when the hon. and learned Gentleman resumed his place, though not at great length, for there were limits to the patience even of the Committee. With regard to the point that he had pressed upon him, he would repeat what he had previously said, that he was not aware of having received any communication from the hon. and learned Gentleman with respect to the matter; but, if he would allow him, he would refer to his correspondence and ascertain the fact. It was not correct to state, as the hon. and learned Member for Kildare did, that half-pay officers were paid for doing nothing.

They were paid to recover their health, and they were paid in order that they might recruit themselves for performing their duties to their country. It was not always found possible to employ a man at home directly he was invalided from India. They had, in the first instance, to look at the duties to be performed; and, in the second, to the persons to perform those duties.

MR. MELDON remarked, that after what had taken place, he did not think it would be of any use troubling the Committee to divide, and he should, therefore, be willing to withdraw his Amendment.

Motion, by leave, *withdrawn*.

Original Question again proposed.

MR. PARNELL considered the answer of the right hon. and gallant Gentleman the Secretary of State for War to the questions that had been put to him not at all satisfactory. The right hon. and gallant Gentleman had stated, in reply to his question, that he was not able to say positively that the wounded Zulus had been treated in the military hospitals. He knew that this was an unpleasant subject, because it involved the suggestion that our troops in South Africa had not been carrying on the war in a civilized manner. But he thought it better to go into this matter then, in order to prevent any further mischief being done. Would the right hon. and gallant Gentleman the Secretary of State for War take some notice of this matter as regarded the authorities in South Africa? Would he write out to the authorities there, telling them that attention had been directed to the apparent absence of any hospitality, or other form of humanity, towards the wounded Zulus, as was usual? Or, would he further say that it had been thought a remarkable fact that none of the enemy's wounded had been taken into our hospitals? The newspaper correspondents had not mentioned that any wounded had been taken into the military hospitals. If anything of that sort had happened, there was no doubt that the fact would have been mentioned—that wounded Zulus had been brought in and received hospital treatment. But there had been a significant absence of any tidings of that character; and, on the contrary, reports of another sort had

been spread. That morning there was a letter published in one of the Dublin newspapers of a very remarkable character, which professed to come from an officer serving in South Africa. The letter was addressed to a medical student, by whom it was sent to the newspaper. After describing the action at Ginghulov, and the defeat of the Zulus, the writer went on to say that when the Zulus were in retreat the Native Auxiliaries attacked them, and played the devil with them. All the wounded were assailed by them, and after the battle no less than 487 dead Zulus were buried.

THE CHAIRMAN felt himself bound to point out to the hon. Member for Meath (Mr. Parnell) that the matter to which he was now alluding could not be said to have any reference to the point before the Committee. What the hon. Gentleman was alluding to could not reasonably be connected with what might be called attention to the prisoners falling into the hands of the British Forces. He must point out to the hon. Member that he was entirely departing from the subject of the Medical Service of the Army, and was dealing with the conduct of the British troops in the field with regard to the wounded of the enemy—a matter which had nothing to do with the Army Medical Service.

MR. SULLIVAN observed that, of course, the Chairman's decision would be acquiesced in by his hon. Friends, although it seemed to him (Mr. Sullivan) that that decision might be contested. He believed, however, that it had never been, and never would be, questioned. He would wish to point out that they were then discussing the Vote for the Medical Service of the Army. If the Medical Service of the Army were not efficiently rendered, it was open to hon. Members to move to reduce the Vote. Those services were not efficiently rendered, if the medical officers in attendance upon the troops in South Africa did not care for the wounded Zulus who might fall into their hands. With all respect to those gentlemen he must say, that if they did not care for the wounded Zulus that fell into the hands of the British, they would not be doing their duty; and if the medical officers did not do their duty, it was open to the Committee to challenge the Vote.

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MR. A. F. EGERTON rose to Order. He ventured to think that the hon. and learned Member for Louth (Mr. Sullivan), in contesting the opinion of the Chair, was himself entirely out of Order.

THE CHAIRMAN said, that it was open to any Member of the Committee to urge a point of Order. The hon. and learned Member did not seem to him to have intended to exceed his right in speaking to Order; but he had endeavoured, so far as he could, and to the best of his ability, to lay down what he believed to be the rule of the Committee upon the subject. He presumed that if the hon. and learned Member for Louth seriously wished to contest the ruling of the Chair, he would take the course which was open to him of making a Motion to report Progress, in order that the Committee might be fortified by the opinion of the House. He understood the hon. and learned Member to be addressing his observations to the Chair, in order to change the view which he had held it right to express upon the subject. Therefore, he did not think it incumbent upon him, so far, to stop him in the remarks he was making. If the hon. and learned Member seriously intended to dispute the ruling of the Chair, it was open to him to move to report Progress, in order that the matter might be brought before the House.

MR. SULLIVAN thanked the Chairman for his decision upon the point which was now raised. He did not understand him that he ruled his hon. Friend was out of Order. He believed he was correct in saying that he had not ruled that the hon. Member for Meath (Mr. Parnell) was out of Order, but that he was going somewhat wide of the mark, which was a very different thing.

THE CHAIRMAN said, that he had endeavoured to explain to the Committee his opinion that the hon. Member for Meath (Mr. Parnell) was out of Order; he was still of that opinion.

MR. PARNELL inquired whether the Chairman had ruled that he was out of Order in directing attention to the necessity of treating the wounded Zulus who might be taken in action in South Africa in the same way as their own soldiers were treated? As he understood the ruling, it was that he was out of Order in reading extracts from a letter which bore, in his opinion, not upon the question of the treatment of the wounded

would only be entitled to be paid during the time they were actually engaged, and would receive no pension.

MR. MELDON thought that he was entitled to some little explanation of the burden of his speech, which had been passed over without remark. He had stated, that if it was a matter of discretion with his right hon. and gallant Friend to conceal the contents of the Warrant which he proposed issuing, he would not press the matter; if, in the exercise of his discretion, he had told the Committee that he felt bound to withhold the information, then he (Mr. Meldon) should not feel himself compelled to go to a division upon the matter. In respect of medical officers invalided from foreign service, it was not for an increase of their leave that he applied—although he was bound to say that he was very grateful for the concession in that direction—but it was with respect to the employment of civilians in their place when they were competent for the duty. A civilian was employed to discharge the duties of an officer of the Medical Service and was paid in full, while the Army medical officer was kept on half-pay. He thought that the medical officer belonging to the Service should be employed in some Department so soon as he was certified to be fit for it. This point had not been noticed by the right hon. and gallant Gentleman the Secretary of State for War, and he hoped they would have some explanation with regard to it.

COLONEL STANLEY stated, that he had explained twice what was the intention of the Government. On the first occasion the hon. and learned Gentleman was not present, and he thought the explanation was accepted as satisfactory by the Committee. He repeated the explanation when the hon. and learned Gentleman resumed his place, though not at great length, for there were limits to the patience even of the Committee. With regard to the point that he had pressed upon him, he would repeat what he had previously said, that he was not aware of having received any communication from the hon. and learned Gentleman with respect to the matter; but, if he would allow him, he would refer to his correspondence and ascertain the fact. It was not correct to state, as the hon. and learned Member for Kildare did, that half-pay officers were paid for doing nothing.

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Original Question again proposed.

MR. PARNELL considered the answer of the right hon. and gallant Gentleman the Secretary of State for War to the questions that had been put to him not at all satisfactory. The right hon. and gallant Gentleman had stated, in reply to his question, that he was not able to say positively that the wounded Zulus had been treated in the military hospitals. He knew that this was an unpleasant subject, because it involved the suggestion that our troops in South Africa had not been carrying on the war in a civilized manner. But he thought it better to go into this matter then, in order to prevent any further mischief being done. Would the right hon. and gallant Gentleman the Secretary of State for War take some notice of this matter as regarded the authorities in South Africa? Would he write out to the authorities there, telling them that attention had been directed to the apparent absence of any hospitality, or other form of humanity, towards the wounded Zulus, as was usual? Or, would he further say that it had been thought a remarkable fact that none of the enemy's wounded had been taken into our hospitals? The newspaper correspondents had not mentioned that any wounded had been taken into the military hospitals. If anything of that sort had happened, there was no doubt that the fact would have been mentioned—that wounded Zulus had been brought in and received hospital treatment. But there had been a significant absence of any tidings of that character; and, on the contrary, reports of another sort had

papers, and from information which had come to his knowledge in other ways, an opinion had grown up that wounded Zulus had been inhumanly treated in this war. It was, however, impossible for hon. Members to get authenticated instances of any such cases. They could not, from the necessity of the case, obtain any precise information; but judging from the evidence in the newspapers, and from the fact that the right hon. and gallant Gentleman had admitted that the Zulus were objectionable prisoners of war and objectionable inmates of hospitals, they could only think that the ordinary customs of war had not been followed in their case. All they asked the right hon. and gallant Gentleman to do, under the circumstances of the case, was to mention the matter in his communications, so that no mistake might be made in the future.

SIR ANDREW LUSK thought it very unfair to bring charges of improper treatment of the wounded against officers of the Medical Staff when none of them were present to defend themselves. The hon. and learned Member for Louth had stated that he heard this and he heard that about what went on in South Africa. The hon. and learned Gentleman, who was himself a lawyer, would know that if he came before a Court of Justice, and talked as he was talking there that night, no one would listen to him for one moment. The charges which he was bringing against the medical officers were mere hearsay, and based upon correspondence in newspapers and allegations that someone had told him; and he asked the hon. and learned Gentleman whether he would be listened to for one instant in a legal tribunal; and, if not, could he expect to be listened to any more in the Committee?

DR. LUSH was very sorry that this question had arisen in connection with this particular Vote; for it seemed to him that the discussion had wandered very much away from the Medical Service of the Army. Allegations had been made that the officers in the Army Medical Service had been, personally, and in their individual capacity, guilty of cruelty. It seemed to him that these charges had been brought against those gentlemen simply for the purpose of bringing before the Committee the alleged conduct of the troops in South Africa. If that were so, it was a very ungenerous

thing to a body of men who, so far as he knew, had always done their duty.

MR. MACDONALD said, that there was one fact patent, and that one fact was that there was a concurrent testimony, be it right or be it wrong, appearing in a paper here and a paper there. It was said to be a letter from an officer, or from a soldier, or from other parties. They had no evidence that it was false, as they had no evidence that it was true, other than these repeated statements. Besides those printed and circulated, he was aware there were many—very many—others, he had seen not a few himself; but he did think there was a concurrent testimony cropping up all over the country; and, although he thought the statements might be false, or might be very reckless, yet, to satisfy the public mind, the right hon. and gallant Gentleman the Secretary of State for War ought to give an assurance to the hon. Member for Meath (Mr. Parnell) that there would be sent out instructions, of a character that could not be misunderstood, that if any wounded Zulus were spared, they should have the treatment that others had. The allegation was that they were not spared. To use the language of a letter he had seen—“They murder all they meet, wounded or not, so that they should never attend the war dance again.” If that allegation was not correct, still the order would not be an improper one, and it would give the Commander-in-Chief, and all concerned, an opportunity of vindicating their character from aspersions that were not true.

COLONEL NORTH hoped the right hon. and gallant Gentleman would not insult the Medical Officers by sending out any instructions of the sort. Perhaps the hon. Member for Stafford (Mr. Macdonald) might believe the reports. He (Colonel North) believed that if the people throughout England, Ireland, and Scotland were to be polled, no one would be found to say that he believed a British soldier would act in such a way towards a wounded enemy.

MR. MACDONALD: I believe it.

MR. LOWTHIAN BELL said, that if there was any ground in the complaints respecting the treatment of Zulu prisoners, these should be inquired into at a proper time; but upon what earthly ground the existence of these reports had been set forth to interrupt the pro-

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Zulus, but upon the conduct of the troops in slaughtering wounded Zulus whom they might find upon the field.

THE CHAIRMAN said, that the rule he endeavoured to lay down was that so long as the hon. Member was discussing the medical treatment of the wounded, he was not exceeding the subject under discussion; but when he entered upon the subject of the conduct of the troops to the wounded in the field, he was out of Order.

MR. SULLIVAN asked, what single syllable had fallen from his hon. Friend the Member for Meath (Mr. Parnell) which exceeded the limits laid down by the Chairman? He did not think that his hon. Friend had uttered a single word, except with regard to the medical officers accompanying the troops, and their duties towards the prisoners who were taken. How, therefore, could his hon. Friend be out of Order in the observations he had made? He must complain of the attempt which had been made from the Treasury Bench to overawe the Chair, and to urge the Chairman further in his ruling than was fair, and further than he intended to go. He thought that the Committee was bound to resist any attempt on the part of the Treasury Bench to intimidate and mislead the Chair into unnecessarily ruling hon. Members on that side of the House out of Order.

MR. A. F. EGERTON observed, that the hon. and learned Member for Louth (Mr. Sullivan) had entirely misunderstood his observations. He simply said that the hon. and learned Member was contesting the ruling of the Chair. As to intimidating or overawing the Chair, that was not his intention; his only object was to support the Chairman in his ruling.

COLONEL NORTH said, the officers of our Army in the field had treated all the prisoners that fell into their hands as they ought to do. It was a most unfair thing to make charges against the medical officers of the Army of having acted inhumanly towards the enemy, when those gentlemen were not there to defend themselves. If hon. Members knew of any particular offences which had been committed, let them say it; but it was not right to slander a body of men by making sweeping accusations against them, as had been done.

MR. SULLIVAN said, that no imputation had been made upon the medi-

cal officers of the Army, because they had never been afforded a chance of attending to the enemies wounded; and he was sure if they had been, they would have done their duty. He believed that they would treat a wounded Zulu in every way as if he were one of their own comrades.

COLONEL STANLEY said, that the conduct of the British troops in the field had been impugned, and it was necessary to consider upon what evidence. So far as he could see, no evidence was adduced except that of some private letters. He was bound to point out that it was by no means certain that a wounded Zulu would be a proper inmate of our military hospitals; and there might be very grave reasons against admitting wounded Zulus to them. It was also worthy of remark that the Zulus, like all savage races, were, so far as they knew, in the habit of carrying off their wounded from the field, if they could possibly do so. Owing to that reason, he presumed it was that so few wounded Zulus had apparently been found. In no official Report had it been found necessary, owing to their small number, to take cognizance of the wounded Zulus found upon the field of battle. If the hon. Member for Meath (Mr. Parnell) could produce to him any authenticated cases with regard to the slaughter of, or inhumanity towards, wounded Zulus, he would inquire into it. But he thought it required an authenticated case, before any reliance could be placed upon the reports which had been spread in this matter.

MR. PARNELL thought that the request which he had made was a very reasonable one, and he had hoped that it would have been responded to more fully than it had been. He asked the right hon. and gallant Gentleman the Secretary of State for War to give notice of the fact, in some way or other, that attention had been directed in that House to no prisoners seeming to have been treated in or out of the hospitals in the field. If the right hon. and gallant Gentleman directed attention to that matter, the authorities in South Africa, if they had not done it already, would then take proper care of the wounded. He did not wish to bring charges against officers of the Army Medical Service; on the contrary, he knew a great many Army medical officers, and believed them to be a very good set of men. At the same time, from accounts in news-

papers, and from information which had come to his knowledge in other ways, an opinion had grown up that wounded Zulus had been inhumanly treated in this war. It was, however, impossible for hon. Members to get authenticated instances of any such cases. They could not, from the necessity of the case, obtain any precise information; but judging from the evidence in the newspapers, and from the fact that the right hon. and gallant Gentleman had admitted that the Zulus were objectionable prisoners of war and objectionable inmates of hospitals, they could only think that the ordinary customs of war had not been followed in their case. All they asked the right hon. and gallant Gentleman to do, under the circumstances of the case, was to mention the matter in his communications, so that no mistake might be made in the future.

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gress of Business, he was at a loss to conceive. He hoped that hon. Members below the Gangway would cease their obstruction.

MR. O'SHAUGHNESSY did not believe the hon. Member for Meath (Mr. Parnell) had any intention to cast any aspersions upon the troops at the Cape. But with regard to the soldiers, was there anything very wonderful that in an Army which, unfortunately, had fallen into disorganization, which had suffered a stinging defeat, and which had been massacred by hundreds—was it anything so very improbable that the survivors of those men should have their passions stirred by seeing their comrades laid low, and that they should sometimes fall into acts of violence?

THE CHAIRMAN: The hon. and learned Member is again straying into the same error as that of which I have had to remind others. The Question before the Committee is the charge for the Army Medical Department, which has nothing to do with the combatant Forces.

MR. O'SHAUGHNESSY did not think there would be much necessity for dwelling upon that subject for the future. The troops in South Africa were about to be commanded by a competent man, and he thought the Army Medical Vote would be properly administered under his care; and he also believed that the Zulu prisoners under the care of an Irish General—Sir Garnet Wolseley, who had shown not merely his capacity, but his humanity and generosity, in dealing with savage races, whom he had subdued in other parts of the globe—would get under his command and government a humanity which they had not experienced under the present Commander.

COLONEL STANLEY rose to Order. He was bound to say that he thought the hon. and learned Gentleman would have learned sufficient from the Profession of which he was a member to impress upon him the necessity of speaking to the Question which was the subject-matter of debate, and of not venturing on assertions inferentially made, and which, at the proper time and place, he (Colonel Stanley) should have been perfectly willing to come down to the House and meet. He understood that they were at that moment discussing the question of the Army Medical Department. Part of that Department was

engaged at the Cape. It was in charge of seven hospitals there, and into those hospitals certain Zulu prisoners were brought. That was the whole point by which that question could be connected with the Vote. Well, what was the state of things. Assertions were made, and the hon. Members who made them asked him, as Secretary of State, to write out to the Cape, casting imputations upon the whole of a Service which had nobly performed its duty. They asked him to accept statements upon which they were not prepared to produce evidence, and, upon such evidence as that, to cast a slur upon the whole of the Medical Department. Now, he said before—and he did not want to be tempted beyond the proper course of debate by any means whatever—that he wished it to be understood, once for all, that unless, as in other matters, these reports were properly authenticated, he should take no notice of them. If cases were authenticated by hon. Members, and they would write to him on their own responsibility as Members of Parliament, he would forward such cases for inquiry and report. He had done so in other and similar matters, even though he believed there was no more truth in them than there was in the present instance. He did not for a moment dispute that hon. Members might be in the exercise of their discretion in believing those reports; but he did know that there was a great deal of loose lying, and that there were many cases which had been inquired into long before they met the eyes of hon. Members, and which had turned out to have nothing in them. If hon. Members, as Members of that House, would send him any statements which they fairly believed to be authentic, he would forward them for inquiry; but he would not be the means, directly or indirectly, once for all, of throwing broadcast upon a noble body of men what he would almost call the foul imputations that had been cast upon them by anonymous correspondents.

MR. PARNELL said, that the device that had been adopted by hon. Members sitting on his side of the House, and also on the other, and which he regretted to see was imitated by the right hon. and gallant Gentleman the Secretary of State for War, of imputing to them a wish to make any charge against

the Army Medical Department, was by no means new. He had seen it before, when they had thought it necessary, in the exercise of their duty, to make statements of a similar kind. Now, he would say that there was not one syllable of ground for the statement of the Secretary of State for War, that they were making any charge against the Army Medical Department. Not a single word that he had said, or that any other hon. Member had said, could be so construed, and he was surprised to see the Secretary of State for War take advantage of so stale and unworthy a device. Now, what was the position they had taken up there that night? They had not said that the Army Medical Department in South Africa had refused to treat Zulu prisoners when brought to the hospital. If they had said so, there would have been some ground for the taunts of hon. Members opposite. What they had said was, that the Zulu prisoners were not brought into those hospitals, and they simply asked that the military operations should be conducted in such a manner that the Zulu wounded should find their way into the hospitals; just as well as if they were English. There was no room for the statements that had been made. The Army Medical Department was a noble Service. It had been abused and ill-treated by the authorities. It was largely composed of Irishmen; and it would ill become him, or any other Irishman, to asperse a Department of that kind. He repeated, that not a single word that he had said could give the slightest shadow of ground for the unfounded statements made with regard to him that evening. He had asked the Secretary of State for War to give such directions as would prevent the fear that things were not going on in South Africa, with respect to that Service, as they ought. What did the right hon. and gallant Gentleman tell them? He said, let them bring cases to him, and he would inquire into them. Now, the Secretary of State for War must know that such a request was altogether illusory. He should never think of taking cases to the Secretary of State for War, unless he (Mr. Parnell) had had the opportunity of inquiring into them himself. Private Members could not send out a Commission to take evidence as to the treatment of wounded prisoners in

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South Africa. The idea was perfectly absurd and preposterous. They simply asked that the tenour of the instructions given in South Africa should be such as to prevent a repetition of what they feared was going on there, and he himself should take a division on that Vote, unless he got a satisfactory answer. ["Divide, divide!"] He should divide just when he pleased. They believed they knew what they were about; though hon. Members above the Gangway presumed to dictate to them the way in which they should discharge their duties. They would show that they were not afraid of being in a small minority, and so he begged to move the reduction of the Vote by £5,000.

THE CHAIRMAN pointed out, that a Motion to reduce the Vote by £5,000 had already been withdrawn, and asked the hon. Member to name some other sum.

MR. PARNELL accordingly moved to reduce the Vote by £4,000.

Motion made, and Question proposed.

"That a sum, not exceeding £262,200, be granted to Her Majesty, to defray the Charge for Medical Establishments and Services, which will come in course of payment during the year ending on the 31st day of March 1880."—(*Mr. Parnell.*)

MR. NORWOOD said, that the hon. Member for Meath (Mr. Parnell) had repelled, with some little warmth, a feeling which he thought prevailed to some extent in the Committee—that in the observations which the hon. Member for Meath had made to them, some imputations had, inferentially, been cast upon the medical officers in South Africa. Well, let them admit it, and he would give the hon. Member credit for his assertion. But he (Mr. Norwood) felt that the Committee must distinctly be of opinion that if the hon. Member had not aspersed the Medical Department, he had most distinctly aspersed the character of the military officers. And what was the speech of the hon. and learned Member for Limerick (Mr. O'Shaughnessy)? An aspersion, and a very gross aspersion, had distinctly been made, if not upon the Medical Department, at least upon the combatant Department, for he went out of his way to taunt Lord Chelmsford with cruelty and incapacity, to claim Sir Garnet Wolseley as an Irishman, and, on that ground, to

hope for more humanity and justice to the Zulus. Now, he (Mr. Norwood) wished to say a word upon the proceedings of that evening, as an independent Member of that House, and he must say that he thought they had reason to complain of the conduct of the Government. They did not show sufficient firmness in meeting the difficulties put in the way of the transaction of the Business of the House. He admired the temper and the gentlemanly forbearance of the right hon. and gallant Gentleman the Secretary of State for War. He (Mr. Norwood) had heard him on three occasions make almost similar replies upon the same point. The hon. and learned Gentleman the Member for Kildare (Mr. Meldon) had made three speeches which were almost precisely similar. That very debate on the treatment of their Medical Officers had been started two hours previously. It had been discussed, the issue had then been abandoned, and now it was re-started. Now, what he (Mr. Norwood) ventured to tell right hon. Gentlemen on the Front Bench was, that they were not conducting Business in the way in which the Business of the country ought to be conducted, and which independent Members and the country had a right to expect. There was an absence of firmness and of determination, and of want of fulfilment of duty as a Governing Body in the way in which they went to work. Instead of humbly apologizing to hon. Gentlemen for taking up the time of the House in the way they were, they should display more firmness and decision. Why was not a division taken a long time ago? The fact was simply this—The state into which the Business of the House had lately drifted was a disgrace to Parliament. He had not the slightest hesitation in saying so; and if some steps were not taken soon to enable them to perform their functions in a proper way, it would be impossible to transact any Business at all. How could the Government expect hon. Members to come down there night after night to attend to their duties simply for the purpose of finding hour after hour wasted? He cordially agreed with the remarks of the hon. and gallant Member for Oxfordshire (Colonel North), that the observations that had been made in regard to valuable public servants were most painful, uncalled for, and unjust.

He protested strongly against them; and if the Government did not show more strength than they had shown of late, how the Business of the country was to be conducted he could not possibly conceive. They were passing no Bills and getting through no Business, and the want of firmness and decision on the part of the Government was perfectly surprising. If they were not strong enough to manage the Business of the House of Commons, the sooner they changed sides with the Opposition the better.

SIR WALTER B. BARTTELOT agreed with what had been stated by the hon. Gentleman who had just sat down (Mr. Norwood). Things had now come to a pretty pass. [*Laughter.*] He heard hon. Gentlemen laughing at that remark; but they would not laugh by-and-bye, because they would find the whole of the country against them. They came down there to do the Business of the country, and night after night they were prevented from proceeding by hon. Gentlemen opposite below the Gangway. He found no fault with hon. Members who got up to call attention to particular subjects; but nobody was going to tell him—because they were not a parcel of fools—that they were to waste four or five hours in discussing a single Vote in Supply. He ventured to say that the country had not realized the position in which they stood in this matter. They had sat there quietly and patiently, until they saw that nothing was to be gained by remaining patient any longer. He said to the Government that they had a right to be protected. They had no right to be called upon to come down to the House to be muzzled in the expression of their opinions as they were; because, if they got up to make any remarks, hon. Members opposite took every opportunity of turning those remarks to their own purpose, and that was, to obstruct the Business of the House.

MR. PARNELL said, the hon. and gallant Baronet opposite (Sir Walter B. Barttelot) had thought proper to bring a charge against hon. Members of that House by saying that they had a purpose of their own, which was to stop the Business of the House. Now, that was a very serious charge. They might be a very small number, and hon. Members might think to put them down. They

could turn them out of the House for that matter. For his own part, he should go with pleasure.

THE CHAIRMAN stated, that the hon. Member for Meath was not at that moment speaking to the point of Order.

MR. PARNELL said, he would ask whether the hon. and gallant Baronet was in Order in imputing to Members on that side of the House a deliberate purpose in stopping Business?

SIR ALEXANDER GORDON said, the hon. and gallant Baronet opposite (Sir Walter B. Barttelot) had spoken of hon. Members below the Gangway obstructing Business. He sat below the Gangway. He had never sat anywhere else, and he must protest against those remarks being made applicable to all hon. Members. He never came to the House, except to further the Business of the House; and the hon. and gallant Baronet ought not to have included all Members below the Gangway.

THE CHAIRMAN: The hon. Member for Meath (Mr. Parnell) has asked me whether the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot) is in Order in imputing to him a deliberate purpose of stopping the Business of the House? It appears to me it was an opinion which it was quite open to the hon. and gallant Baronet to form, and an opinion which was not expressed in un-Parliamentary language.

SIR WALTER B. BARTTELOT said, he was very sorry for the interruption of the hon. and gallant Baronet the Member for East Aberdeenshire (Sir Alexander Gordon), because the hon. and gallant Baronet knew that he (Sir Walter B. Barttelot) had not got up to impute to him that he impeded the Business of the House, unless it was necessary. His hon. and gallant Friend was a man of common sense, and knew that he was not referred to. [Mr. PARNELL: Because he is a Scotch Member.] Because he was a Scotch Member! Did the hon. Member for Meath think he (Sir Walter B. Barttelot) picked out Irish Members? Why, he had the greatest respect for many Irish Members; but when he saw the Business of the House stopped in that way, he thought it was time that some hon. Member should stand up in his place and say that Business was being stopped, and would continue to be stopped, unless some means were found to shorten the discussion that was

going on. A fair, business-like discussion no man objected to; but he did object to coming down night after night to see time wasted in fruitless talk. But, before he sat down, he wished to give the hon. and learned Member for Limerick (Mr. O'Shaughnessy) an opportunity of retracting his statement. He was sure the hon. and learned Member would not have said willingly what he did not believe to be true; but he had imputed to Lord Chelmsford feelings, and ways of carrying on operations at the Cape, which he (Sir Walter B. Barttelot) was quite certain, on cool reflection, he would be the first to withdraw. The hon. and learned Member said that an Irish General was now going out who would put everything straight; and he had deliberately stated that all these atrocities—in which he (Sir Walter B. Barttelot), however, did not believe—were committed with the connivance of the General Commanding-in-Chief. That was a statement which ought to be retracted, and he gave the hon. and learned Member the opportunity of doing so.

MR. O'SHAUGHNESSY thanked the hon. and gallant Member (Sir Walter B. Barttelot) for the appeal he had made to him. He did not think it necessary to reply to imputations which could not have applied to him, as he had never been among the Party of Obstruction. But he did think it necessary, and very necessary, out of respect for the General and other officers in South Africa, and also out of respect for the troops serving there, to explain what he had said. In the first place, he did not mean to impute any inhumanity to their medical officers in Africa. He knew that the Army Medical Staff in Africa and anywhere else were highly humane. With regard to their Army, he was betrayed by the warmth of the moment into language which, in cooler moments, he should not have used. What he had meant to convey was that probably the blood of the soldiers was up in consequence of seeing their brothers-in-arms slaughtered. He believed that there had been an excess of cruelty on their part, and that such things should be put an end to. The supposed isolated acts to which he had referred were, in his opinion, attributable to the imperfect organization existing in South Africa. But in using the words "in-

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capacity" and "inhumanity"—and here he particularly asked the indulgence of the Committee—he meant to convey that our troops were allowed to get into a state of passion, and that the dictates of humanity were consequently not observed by them: He admitted that he had spoken violently, and begged pardon of the Committee for having raised his voice to a point which, perhaps, was not conducive to a man's speaking rationally. He had not meant to impute inhumanity to Lord Chelmsford, or anything like inhumanity to our troops; but wished to point out that, like the troops of France, Germany, or any other country in the world, their blood being stirred up, they had perpetrated isolated acts of inhumanity, and were not unlikely to do so again.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think, after what has fallen from the hon. and learned Gentleman who has just sat down (Mr. O'Shaughnessy), we may fairly consider that this incident may be closed. He expressed his regret, in terms with which the House will sympathize, at having been betrayed into language which could not but cause pain, and which, at the same time, could not but call forth replies such as have been made. I am sure that, after what the hon. and learned Gentleman has said, the Committee will not desire to pursue the matter any further. I only rise for a moment to say a word in reply to what has fallen from the hon. Member for Hull (Mr. Norwood), and from my hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot). They have made remarks which I must frankly say I am not at all surprised to hear made by hon. Members in this House, considering the very great inconvenience which they have found for some time in the conduct of the Business of the House, and the very great delay which takes place in proceeding with that Business. I must frankly admit that, having sat for a good many years in this House, I have never known a time when so great a delay in the conduct of Business has taken place in the manner which we have recently seen. So far as it is in my power, and in that of my Colleagues, to prevent that delay, and to expedite Business, I can only assure hon. Gentlemen that we are most anxious to get the work properly forward, and

to conduct the Business of the House in a creditable manner. But I must appeal to a sense of justice on the part of the House as to the position in which the Government are placed in matters of this kind. It is impossible for us to interfere with the ordinary conduct of Business, so long as it is conducted according to the Rules of Order, and I, for one, do not see how we are to interpose and protest more than we have occasionally done, and shall be prepared at any time to do, against the waste of time. But I must remind my hon. and gallant Friend that when we have attempted to introduce or propose alterations or amendments in the Rules of the House which, as we thought, might have led to somewhat greater expedition in the conduct of Business, we did not find a great disposition to support or accept the proposals which were made, and we consequently found it very difficult to effect alterations in the Rules for the conduct of Business, even where alterations might have been made which, without interfering with the freedom of debate, would have materially conduced to the object which we had in view. I can now only express a hope that we may not by recriminations add to the loss of time which has already taken place, in endeavouring to fix the responsibility for such delay. I need not say that if the intention of the House is to support the Government, we will endeavour on all occasions to bring forward our measures in the way most convenient, and to prosecute our Business with as much despatch as possible. We are quite as anxious as are hon. Members in getting forward the Business of the House, and nobody can be more interested than the Government in doing so. I can assure the Committee that we are thankful to those who come forward, at a great sacrifice of time, to assist and support us, and I would now suggest that the best thing we can do is to come to a vote upon this Estimate.

MR. O'CONNOR POWER said, he was as anxious as any man that the Committee should, according to the phrase used by three hon. Members who had successively addressed it, "be allowed to transact its Business," the obstruction of which had been brought forward as a charge against hon. Gentlemen on his side of the Gangway. It appeared to him (Mr. O'Connor Power

that the discussion upon the general Business of the House, and upon the manner in which it was transacted by the Government, had as little to do with the subject before the Committee as the atrocities alleged to have been committed in the Zulu War. However, they had it upon the authority of the Chairman that those observations were in Order, and he therefore presumed that anyone would be equally in Order in resenting the imputations put forward. The Business before the Committee was the examination of the Estimates; and he would inform the hon. and gallant Baronet the Member for West Sussex (Sir Walter B. Barttelot), that he charged him with attempting by tall talk to intimidate hon. Members in the discharge of their duty; and, moreover, wished to remind him that on every preceding occasion, when any such attempt had been made, it had always ended in failure. Hon. Members were invited to come from Ireland and Scotland to discuss certain Estimates, and when they rose, in the discharge of their duties, to discuss them, it was said that the Business of the country was being stopped, and they were called upon to be silent. He maintained that if they had no right to criticize the Estimates according to their own discretion, they had no right to be in the House at all. When an Irish Member was sent to the House of Commons, he was not told by his constituents to shape his course according to the views of the hon. and gallant Member for West Sussex. He (Mr. O'Connor Power) was as free as the hon. and gallant Baronet, and refused to have any line of conduct chalked out for his observance. If the House had more work to do than it could perform, the only remedy was to divide the work, and allow each class of Representatives to do their share; but as Irish Members had been invited to sit in the House of Commons, it was not open to the House to complain of the consequence of its own act. Now, with reference to the matter which gave rise to these observations; the hon. Member for Meath (Mr. Parnell) had found that he was called upon, as a Member of the Committee, to consent to the very large Vote of £200,000 for the Army Medical Department, and he ventured to call attention to a branch of that Department which he

conceived was in a position such as he (Mr. O'Connor Power) was bound to admit he had not succeeded in establishing. It turned out that the complaint should have been brought against the men who failed to bring the Zulu wounded into hospital. That was, so far, very well; but the hon. Member for Meath went further, and asked the right hon. and gallant Gentleman the Secretary of State for War to send instructions to the South African contingent of the Army Medical Department in reference to the treatment of Zulu prisoners. He thought that if the hon. Member for Meath had not gone quite so far as that, and if he had simply called upon the Secretary of State for War to make inquiries, he would have been standing upon more solid ground, and that the Secretary of State for War could not have refused so just and reasonable a demand. At the same time, he quite agreed that it would be unreasonable, on the mere strength of newspaper reports, to write out special instructions reflecting upon the character of the Army Medical Department; but, on the other hand, he thought that the Secretary of State for War might have said—"These matters which have been brought forward by hon. Members have attracted so much attention, and are of sufficient public interest, that I will inquire into them, and if I find the facts to be as they are represented, I will endeavour to prevent them in future." But the Committee had received no such assurance from the Secretary of State for War, who had simply pooch-pooched the allegations, and the possibility of the acts to which they referred having been committed. He (Mr. O'Connor Power) had no objection whatever to a Division when the time arrived; but if hon. Members opposite insisted upon stating their view of the case, they must not complain that the other side should get a hearing. It had been said more than once that evening that no member of the Army Medical Department, and he believed an hon. and gallant Gentleman from behind the Treasury Bench had stated that no English regiment, would have been guilty of the cruelty complained of; but was it supposed that nothing was known of the progress of the English arms in India? He (Mr. O'Connor Power) maintained that there was no act of cruelty which had not been com-

Mr. O'Connor Power

mitted by British soldiers and officers in building up the Indian Empire.

THE CHANCELLOR OF THE EXCHEQUER rose to Order.

THE CHAIRMAN said, that the discussion of this question had arisen from the allegation made by the hon. Member for Meath (Mr. Parnell), who was dissatisfied with the conduct of the Government, and put that forward as the ground on which he moved his Amendment. The discussion had, in consequence, turned rather on the conduct of the Government than on the Vote now before the Committee. He must point out that the hon. Member for Mayo (Mr. O'Connor Power), in reflecting upon the conduct of the Army, in different parts of the world, was clearly out of Order.

MR. O'CONNOR POWER would regret to occupy the time of the Committee after it had been ruled that any particular line of argument was out of Order. He would not do that; but he might be allowed to say, in his own defence, that he had endeavoured to confine himself within the allegations made on this side of the House. He had said that the whole point of the discussion was that the attention of Her Majesty's Government had been called to certain alleged atrocities, in the conduct of the war in South Africa, in respect of the treatment of the wounded of the Zulu Army. Now, he asked the Secretary of State for War not to send out instructions in consequence of the reports referred to, for that would be asking him to do more than the circumstances of the case demanded; but, inasmuch as the character of the Army Medical Department was at stake, to give an assurance that inquiry should be made into the truth of the reports in question. If the hon. Member for Meath went to a Division, he (Mr. O'Connor Power) should probably vote with him, meaning thereby to express that these reports were worthy of inquiry, and not intending to convey that they were worthy of special instructions being sent out.

MR. SULLIVAN said, no doubt, a great deal of warmth and misunderstanding had prevailed in the course of the discussion, nor could he complain of hon. Members resenting what they believed to be an imputation upon the humanity of the British soldier. He

should reprehend in the strongest manner the slightest imputation upon the skill or humanity of the Medical Staff. As the most efficacious way of terminating this discussion, he appealed to his hon. Friend the Member for Meath (Mr. Parnell) to withdraw his Amendment, and allow the Vote to pass.

MR. BIGGAR had not understood that any imputation was cast upon the Medical Staff. The imputation was that the Commander-in-Chief, who had the Medical Staff under his control, had mismanaged in the grossest manner the Forces of England at the Cape.

MR. PARNELL had no wish to put the Committee to the trouble of a Division, especially as the discussion which had taken place would, in his opinion, have a beneficial effect. He felt that the question was an awkward and disagreeable one for the Committee to listen to. It was not until he was charged by several hon. Members with making imputations against the Army Medical Department that he became warm. Although he had not intended that the discussion should travel so far as it had done, he believed it would do great good. As regarded the conduct of affairs in South Africa, he asked leave to withdraw his Amendment.

Motion, by leave, *withdrawn*.

MR. O'DONNELL said, he had received a letter a day or two ago from one of our soldiers in Durban, who complained very much of the scarcity of medical luxuries in the hospitals. Such matters as milk, butter, &c., were spoken of as having to be paid for out of the pay of the soldiers. Having promised to bring the matter under the notice of the right hon. and gallant Gentleman the Secretary of State for War, he took that opportunity of doing so. He was sure that the want of the smallest possible comforts referred to was due to some mistake, and ventured to express a hope that if there had been any shortcomings in that respect they should be remedied.

Original Question put, and *agreed to*.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £495,200, be granted to Her Majesty, to defray the Charge for the Pay and Allowances of a Force of Militia, not exceeding 132,526, including 30,000 Militia

Reserve, which will come in course of payment during the year ending on the 31st day of March 1880."

COLONEL NAGHTEN hoped that the Government would give some assurance that curtailing the training of the Militia was not to be carried further, nor to be adopted as a precedent. Everyone acquainted with that Force was aware that three weeks' training was very little, especially in the case of Artillery, to make any proficiency, in which branch four weeks was but a short time. With regard to the Vote for clothing in the Militia, he wished to know what had become of the head-dresses of the Militia, which, for some reason or other, had been taken away, the men now appearing in forage caps only? He saw no credit allowed for the old busbies, which, however, he supposed were not worth much; but why had they been taken away? Was it to give them to the Volunteers? It would appear that, in taking away the head-dress of the Militia, it was intended to reduce their appearance in the eyes of the other Forces, which was a very great mistake. He must say that the numbers of the men had this year been very much increased where the Militia had been properly treated and quartered in barracks. He trusted that the Committee about to be formed would give considerable attention to the subject of recruiting from the Militia. He could not help thinking that if the recruits of the Army had passed three or four years in the Militia, and had some of their time of service counted towards their pensions, a much finer class of men would come forward for the Regular Service. It was to be hoped that some old Militia colonels would be appointed to the Committee on Army re-organization, on which, he thought, all branches of the Service ought to be represented; and it would be a benefit to the Army at large if Militia colonels were allowed to send to the Regular Service a proportion of their unmarried men up to a certain standard in height and chest measurement.

SIR ARTHUR HAYTER called the attention of the Committee to the very serious deficiency still existing in the numerical strength of the Militia, and could not allow this Vote to pass *sub silentio*. The Committee would see, at page 5, that the Militia Establishment

of all ranks stood at 137,556; whereas the number of those present at the training of 1878 was by the last Return only 86,458, leaving a deficiency of about 51,000 of all ranks. That number did not, however, express the real deficiency in fighting strength; since, besides Militia Reserve men, large deductions must be made, owing to the number who would be on the sick list from the youth of the men, whenever the Militia were called on for service in the field. There were also 14,189 privates absent without leave, from the last training. He would now call attention to the deficiencies existing in particular regiments, as shown by a Return which he held in his hand relating to the training of all Militia regiments in the United Kingdom during last year. In Lancashire, where he was sorry to inform his right hon. and gallant Friend the Secretary of State for War the state of matters was at its worst, there were five regiments returned as having an establishment of 6,000 men in rank and file. Of these, however, only 2,824 appeared at inspection. Two Devonshire regiments showed only 561 out of an establishment of 1,600 rank and file; an Aberdeen regiment—for he was sorry to say Scotland was no better than England in this respect—370 out of 800; the Cornwall Rangers, 331 out of 800; and the East Essex, 390 out of 800. It was, in short, the constant practice for not one-half the nominal numbers of a Militia regiment to appear on parade. The Volunteers were in a different position, for unless two-thirds of a regiment appeared the ordinary inspection could not take place. He was quite aware that the Establishment of the Militia was based on a war footing; but the deficiencies were so serious that he trusted his right hon. and gallant Friend would call upon Militia colonels to spare no exertion in filling up the attenuated ranks of their regiments. If the Militia was to continue to be the so-called Constitutional Force of the country, it was of the utmost importance that steps should be taken to make it numerically efficient. There was only one more point to which he wished to call attention. He rather doubted whether it was wise on the part of the right hon. and gallant Gentleman the Secretary of State for War to reduce the training period of the Militia this year from 27 days to 20, in

order to save some £40,000. At all events, he hoped the right hon. and gallant Gentleman would not find it necessary to repeat the experiment. Allowing for the day of assembling, the day of dismissal, and three Sundays, it would be seen that the actual training period this year did not exceed 15 days, which was scarcely sufficient to make the regiments efficient.

LORD ELCHO said, that the Vote for the Militia was by far the most important the Committee had to consider, and with regard to it, he was sorry to say that the state of things was even more serious than his hon. and gallant Friend (Sir Arthur Hayter) had represented. They were always told that the Militia was the backbone, the very soul and essence of our military system. Well, what was the state of this backbone? Why, it was invertebrate; and he would give figures to prove this—figures which he hoped would receive the attention of the country, for it was only with the help of public opinion that the right hon. and gallant Gentleman the Secretary of State for War would be able to frame and carry out the necessary measures of improvement. The Militia Establishment was fixed at 136,000 men; but, at present, it only stood at 86,000, so that it was 50,000 short. Deducting from this 86,000 the Militia Reserve, which amounted to 30,000, there remained only a Force of 56,000 of all ranks. Deducting, again, the permanent Staff 4,000, the officers 2,100, and the non-commissioned officers 1,000, there remained only 47,238, which constituted the entire effective Militia Force of the country. His hon. and gallant Friend had shown the weakness of particular regiments. A more convincing proof of their shortcomings might be obtained in a different way. The total number of Militia regiments in England, Ireland, and Scotland, was 158. Now, dividing 47,238 by 158, they would find the result to be 298, which was, therefore, the average strength of our Militia regiments. But the evils of which he complained did not end there. The ages of the men were by no means satisfactory. He found that the "men" under 17 years of age numbered 1,970; and those between 17 and 19, 19,851. The number of those between 19 and 20 was not given, the next list including all between 19 and 25; but, no doubt, those between

19 and 20 formed a very large proportion of the total number. Then, of those over 35 years of age there were 8,261. Altogether, therefore, out of a total nominal strength of 136,000 men of all ranks, there were at least 30,081 who, in Germany, would not be considered efficient for military service. Now, that was a ghastly state of things. If the Militia was the backbone of our military system, and he owned that it ought to be so, he could not understand how the right hon. and gallant Gentleman the Secretary of State for War could sit down for an hour and allow such a state of things to continue. Whatever he might do, it was to be hoped that the right hon. and gallant Gentleman would not carry out the 104th paragraph of the Report of his own Committee of 1876, and reduce the Establishment of the Militia to 75,000 men, on the ground that it could not be kept higher. Such a proceeding would be worse than that of the man who, wishing to lengthen a blanket, cut a piece off one end and sewed it on to the other; for the proposal of this Committee was to lengthen the blanket by cutting a piece off it altogether. For the sake of the dignity and strength of this country, he implored the right hon. and gallant Gentleman not to lose a moment in remedying the terrible shortcomings of our Militia system, as shown in the official Returns.

COLONEL STANLEY confessed that, at first sight, the figures of the noble Lord the Member for Haddingtonshire (Lord Elcho) somewhat appalled him. On a closer examination, however, he found that the noble Lord was mistaken in some important particulars. In pointing out the discrepancy between the strength of the different regiments and the number of men who appeared at inspection, he made no allowance for the men who were at that time actually serving with the Colours. This circumstance accounted at once for 34,000 or 35,000 men. Then, again, the noble Lord in making his comparisons, included the permanent Staff on the one hand, and deducted it on the other, and asked the War Office to account for the difference. Another source of error was this—that the Returns of some regiments did not include recruits, who, in certain regiments, within his own knowledge, numbered 200 or 300. The dis-

crepancies to which the noble Lord had called attention were, therefore, more apparent than real. At the same time, he (Colonel Stanley) was prepared to admit that the state of regiments in the neighbourhood of large towns was not altogether satisfactory. In London, Glasgow, and other great centres, there was a large floating population, and it was impossible to retain a hold upon the men under such circumstances as easily as it could be done in rural districts. The estimated strength of regiments would, he was afraid, always be more or less affected from this cause; but it was satisfactory to know that on an emergency there was very seldom any difficulty in getting men, and that whenever there was a scarcity of civil employment the ranks filled up. The noble Lord had somewhat mis-stated the effect of the paragraph of the Report of the Committee of 1876 to which he had referred. The recommendation had only reference to a technical distinction between the Militia proper and the Militia Reserve who, being liable to be withdrawn, did not form an integral portion of the Militia regiments. What was recommended was a change of form, rather than a change of substance. With regard to the head-dress of the Militia, referred to by the hon. and gallant Member for Bath (Sir Arthur Hayter), he believed the change to the forage cap had, on the whole, been recognized as advantageous to the Service, and satisfactory to the men themselves. The old shako was really very little worn, and a great deal of time was lost in fitting the men with it. Moreover, it was not so serviceable as the forage cap. With regard to the period of training, no one could regret more than himself the curtailment of it which it had been deemed advisable to make. But the necessity for reducing the Votes having arisen, the present year seemed to be unusually favourable for making an experiment of the kind; at all events, it seemed to be an occasion on which the period of training might be reduced without so much detriment to the Service as might, under ordinary circumstances, be expected. No fewer than 25,000 of the men had had not one month's but four months' training with regiments of the Line, and there were also a large number of recruits who had also had the advantage, in most cases, of two or three months' training. The

Colonel Stanley

year, altogether, was an exceptional one, and the experiment was not likely to be repeated. He could assure hon. Members who had spoken that the state of the Militia was occupying very closely the attention of the Government. It was difficult to keep up some regiments to their strength amidst the fluctuations of the labour market and other disturbing influences; but instructions had been sent to the General Officers commanding districts to be most careful in selecting men. He hoped that this precaution would have a satisfactory result, and that much of the desertion which took place between the enrolment and the training of the men would be done away with.

SIR HENRY HAVELOCK, while fully recognizing that the strength of the Militia was not what it ought to be, pointed out to the noble Lord the Member for Haddingtonshire (Lord Elcho) that he had fallen into a singular misapprehension on the subject. The Return, which professed to give the total number of men who were in training in 1878, stated that 15,000 were absent without leave and 14,000 absent with leave; but it appeared that the latter number included the Militia Reserve men who came out for mobilization. It was, in the highest degree, creditable to the Reserve men that so large a number of them should have responded to the call to mobilize last year. It had been anticipated that at least 15 per cent would be absent; but it turned out that the absentees scarcely amounted to 2½ per cent, although many of the men were obliged to leave their families in very necessitous circumstances. The training period for the Militia extended from February to September. Different regiments were called out at different times; and it happened that many of the men of the Militia Reserve, who had served with the Colours last year up to July 3, were absent from the Militia regiments which were trained in July, August, and September. Thus, a considerable portion of the discrepancy which the noble Lord had pointed out was satisfactorily accounted for. Notwithstanding the tendency which had been shown to depreciate the Militia, and the unfavourable criticisms which had been passed upon them, even by Volunteer officers, he (Sir Henry Havelock) felt bound to say that they really formed

the backbone of the military system in this country, and he trusted that no effort would be spared by the military authorities to increase their efficiency. The mobilization of last year showed most unquestionably that the Militia Reserve was a Force which could be relied upon to a greater extent than had previously been supposed. As regarded the Army Reserve, the anticipations indulged in were never likely to be realized; it was not probable that in 1883 or 1884 we should have more than 42,000 or 43,000 in the Army Reserve at most. There was thus all the more reason for the right hon. and gallant Gentleman to adopt every means in his power to increase the Militia Reserve. The men of that Reserve did not cost more than 30s. each a-year; and they formed, as he had pointed out so long ago as 1876, the most efficient and substantial Reserve we possessed. It was very satisfactory, also, to find that their recent association with the men of the Line, so far from deteriorating their spirit, had improved it. He observed that in one regiment, which had turned out 1,000 strong, there were no fewer than 500 men who had served as Militia Reserve in the Regular troops. He would, therefore, venture to press upon the right hon. and gallant Gentleman the Secretary of State for War the great importance of increasing the Militia Reserve. If the Militia Reserve had been increased in 1876, they would have had 10,000 more trained men ready to take their places in the ranks in 1878, and the cost of the increase would have been little more than £25 to £30 per man. He would again ask the right hon. and gallant Gentleman not to depreciate the value of the Militia Reserve, but to endeavour to increase it; for, in his opinion, it was the most efficient, the most substantial, and the most economical Reserve they had. He trusted to hear, before very long, that the right hon. and gallant Gentleman had taken a step in the direction of increasing it.

LORD ELCHO said, that there was nothing whatever, either on page 35, or on page 5 of the Estimates, to show that the statements he had made, and to which exception had been taken, were wrong. On page 5, he found that the Militia—including permanent Staff and Militia Reserve—out of an Establishment of 137,556 men, had 86,458 men

present at training in 1878. Therefore, if to the 86,458 men present at training they added the Militia Reserve, who were apparently included in the cost, the observation he had made was perfectly correct. But he was willing to accept the contradiction which had been made by his right hon. and gallant Friend (Colonel Stanley). The fact was, that he had been quoting from one Parliamentary Paper, and the right hon. and gallant Gentleman had referred to another. With the deduction, which must be made, of 30,000 boys and old men, he did not think that the Militia could be considered in a proper state, having an average strength per regiment of something like 300 men. His right hon. and gallant Friend, as Chairman of the Committee upon this subject, stated that he differed in opinion from the officers commanding the regiments of Militia; and he ventured to suggest that, in time of peace, it was not necessary to keep the Militia up to so full an Establishment as at present. To that opinion, he (Lord Elcho) could not assent, for he thought that the Militia ought to be kept up to its full Establishment in time of peace, if it were to be made useful in time of war. The Report went on to say that in time of emergency and danger the Militia could be increased, but that the Establishment in time of peace should be reduced. According to his right hon. and gallant Friend's Report, therefore, he was content to keep the Militia at a low state in time of peace, and to fill up the ranks in time of war. But was that a course which would make the Militia available in time of emergency? It was necessary above all things that the Militia should be well-trained, and able at once on an emergency to take its place in the defences of the country. He ventured to think that his remarks upon this point were not inconsistent with what he had previously said, and what appeared in that Report. He would most respectfully urge upon his right hon. and gallant Friend to take this matter into his very serious consideration.

MR. PARNELL said, that last year he moved an Amendment to reduce this Vote by the sum of £25,000, and he was very glad to see that the Government had that year adopted his suggestion. The Amendment he moved last year was to reduce the item on account of regi-

mental pay and allowances for the Militia by £25,000; and he hoped that the Government would now consent to a further reduction of £25,000 from the Vote. He thought he should be able to show the right hon. and gallant Gentleman the Secretary of State for War that the further reduction which he proposed was not only expedient, but necessary. He might say that he had listened very carefully to the discussion which had taken place on the Vote, and he considered that the noble Lord the Member for Haddingtonshire (Lord Elcho) was quite right in the criticisms he had made. In 1877, about 30 per cent of the men were absent from the training; and in 1878, about 40 per cent were absent. The sum asked for last year was £534,000 on account of this Vote, although only £483,000 was spent. Thus, about £50,000 more was taken on account of the Vote than was actually required. In the present Estimates a reduction had been made of £25,000, as he had already mentioned; but the Appropriation Account of the Controller and Auditor General last year stated that it was precisely on this item that excessive demands were made. During the years 1876-7, 1877-8, more than £50,000 was asked for by the Government than was actually required. Now that the training of the Militia was to be shortened by seven days in the present year, another good reason for the reduction appeared. The Amendment which he should move was that the regimental pay and allowances for the Militia be reduced by £25,000, in addition to the reduction of £25,000 made by the Government. The Vote was asked for on account of a much larger number of men than would actually come in to be trained. As nearly £50,000 in a year, for the last three or four years, had been asked for on account of this Vote in excess of what was actually required, he thought there was good reason for the reduction. What was the effect of Parliament voting away all this money? The money was really given to the War Office to do what it liked with. No doubt, the surplus was returned to the Exchequer; but the money was in the hands of the War Office to do what it pleased with. He thought they had arrived at a time when the Votes in the Army Estimates should be submitted to a Select Committee of the House of Commons. If that were

done, he should be able to show that in almost every Vote a larger sum of money was demanded by the right hon. and gallant Gentleman the Secretary of State for War than he was able to spend, so that he had at all times in his possession a large amount of money not required. That was not the way in which public accounts should be kept; and, unless the right hon. and gallant Gentleman could adjust the Estimates to the Expenditure, the Committee should not be asked to grant sums of money so much in excess of what was spent. During the present year there could be no doubt that at least £30,000 more was asked for than would be spent. He begged to move to reduce the Vote by £25,000 under sub-head A.

Amendment proposed,

"That Sub-head A of £275,000, in respect of Regimental Pay of Militia, be reduced by £25,000."—(*Mr. Parnell*.)

Question proposed, "That the said Item be so reduced."

COLONEL STANLEY stated that the Estimate submitted was for the amount required for the Service of the year. So far as he was aware, there was no reason which would justify him in consenting to the reduction proposed. Therefore, he hoped that the Committee would grant the Vote.

Question put.

The Committee *divided*:—Ayes 8; Noes 190: Majority 182.—(*Div. List, No. 120.*)

Original Question put, and *agreed to*.

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £47,900, be granted to Her Majesty, to defray the Charge for Yeomanry Cavalry Pay and Allowances, which will come in course of payment during the year ending on the 31st day of March 1880."

MAJOR O'BEIRNE said, he had a great objection to the manner in which Cavalry officers had been appointed to adjutancies in the Yeomanry for some years past. Since the present system had come into operation, no doubt, great advantage had been experienced by regiments of Yeomanry in obtaining officers from the Regular Cavalry for adjutants. But he must refer to the very objectionable manner in which

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those appointments were made. In the first place, an officer under 12 years' service could not be appointed an adjutant of Yeomanry; but, within his knowledge, that rule had been disregarded in the case of particular persons. Every officer who was appointed to the Yeomanry received the usual pay and allowances of an adjutant, and was placed in an exceptionally good position, without being under the necessity of being a single day on foreign service. That gave adjutants of Yeomanry an exceptional advantage over the other officers in the regiments from which they were taken, the latter having to go on foreign service. He thought that no officer should be appointed to an adjutancy of Yeomanry unless he had been on foreign service. Another objection was that no officer who had risen from the ranks was ever appointed an adjutant of Yeomanry. It was a grievance on the part of officers who had risen from the ranks that only half their service was allowed to count towards their pensions, and thus they had to serve 30 years, instead of 20. The Royal Warrant made this distinction between officers who had risen from the ranks and other officers. By Clause 115 of the Royal Warrant, an officer who had risen from the ranks, in case of any permanent disability or incapacity from wounds, or other causes, could not retire on full pay unless he had served 15 years out of 25. He considered that those officers were treated very unjustly; and it was also right that some of those appointments to the Yeomanry should be reserved for officers who had risen from the ranks. The fact was, that there was a great deal of patronage connected with these appointments to adjutancies of Yeomanry; a great deal of county influence was requisite to obtain them. An officer who had risen from the ranks would necessarily not have county influence, and, therefore, he was under a disadvantage in respect to the appointments. He only knew of one officer who had risen from the ranks being made an adjutant of Yeomanry; he was a gentleman from the 7th Dragoon Guards. He found one officer in the Dragoons of only eight years' service; in the Life Guards, two—one of 11, and the other of only 10 years' service. He begged to move the reduction of the Vote by the sum of £5,200.

Motion made, and Question proposed,

"That a sum, not exceeding £42,000, be granted to Her Majesty, to defray the Charge for Yeomanry Cavalry Pay and Allowances, which will come in course of payment during the year ending on the 31st day of March 1880."—(*Major O'Beirne.*)

COLONEL STANLEY did not think that the hon. and gallant Gentleman had based his objection to the Vote upon sufficient grounds; and, therefore, the Committee could not be asked to consent to the proposed reduction. By the present system, the Yeomanry obtained a class of men with new ideas, active and able to discharge their duties. Considering that the system worked well, he felt it his duty to oppose the reduction of the Vote.

MR. WHITWELL was sorry that any proposal had been made to reduce the Vote, especially on the grounds put forward by the hon. and gallant Gentleman. The Yeomanry adjutants would this year certainly have to do more work than in any previous year. He did not think the Vote should be reduced in any form whatever.

GENERAL SHUTE agreed with the right hon. and gallant Gentleman the Secretary of State for War that, under the present system, the adjutants appointed to the Yeomanry were a class of men well up in all the latest changes and improvements in drill, inasmuch as they were fresh from the Cavalry. There could be no doubt that, in consequence of these appointments, the Yeomanry Cavalry had vastly improved.

Question put, and *negatived*.

MR. PARNELL wished to point out, before the Main Question was put, that although the pay of the men had been reduced by one-sixth because they were to be called out for a short time, the deductions from the pay of absentees were not reduced in like proportion. This was, of course, due to an oversight on the part of those who had charge of the matter; but it was very absurd that such mistakes should occur. The same thing occurred with regard to other items. The command pay was reduced, and they had the items of servants' allowances, £400; troop allowances, £200; and so forth. Why should not these be reduced in the same proportion as other items? Of course, it showed

that the Estimates were not drawn up as they ought to be.

COLONEL STANLEY said, the deductions referred to by the hon. Member for Meath (Mr. Parnell) had not been dealt with, because the members of the corps were not under the control of the War Office.

Original Question put, and *agreed to*.

(6.) Motion made, and Question proposed,

"That a sum, not exceeding £512,400, be granted to Her Majesty, to defray the Charge for Volunteer Corps Pay and Allowances, which will come in course of payment during the year ending 31st day of March 1880."

SIR WALTER B. BARTTELOT said, anyone who looked into this question, which concerned the body of Volunteers now reaching nearly 200,000 in number, of whom about 195,000 were efficient, would deem it necessary, with respect to its usefulness to the country, that the Committee should consider whether any amelioration of the conditions of service of these men could be practically effected. He wished to make one or two observations on the recommendations of Viscount Bury's Commission; and, in the first place, wished to call the attention of his right hon. and gallant Friend the Secretary of State for War to the position of administrative battalions. Now, anyone who was acquainted with the formation of administrative battalions would know how necessary it was, when they were brought into camp, that they should be absolutely under the command of one man, who should have power to punish in the same manner as an officer commanding in his own immediate locality. But at present, in camp, a commanding officer could only admonish and reprimand or place a man in the guard-tent, without being able to dismiss him from his corps. That, certainly, ought to be amended; and, therefore, he wished to ask whether it was the intention that all administrative battalions should be consolidated, and, if not, whether the right hon. and gallant Gentleman intended to give greater powers to commanding officers when the whole battalion was assembled in camp or elsewhere? With regard to the allowances in camp, he could not help thinking that a larger sum should be granted to a body of men like the Volunteers, who went out almost entirely at their own expense. He believed it

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was recommended that 2s. a-day should be given to every man in camp for four clear days. But that was hardly sufficient. In his opinion, if 2s. were granted with the extra 2s. 6d., it would be a fair allowance for going into camp. He also wished to be informed what was the intention of the Government with regard to the clothing of the Volunteers. Were they to wear the same colour as was worn by the regiments of the sub-district to which they were attached? That was a question he should like answered, as he was quite sure the Volunteers would conform to the wishes of the Government if expressed. Lastly, as to the vexed question of the adjutants. His right hon. and gallant Friend had just said that it was of the utmost importance that the adjutants should be taken from the Cavalry of the Line for the Yeomanry, and that it was far better that men who had grown rusty in that Service should be relieved by younger and more efficient men. If that was good for the Yeomanry it was also good for the Volunteers; and, if so, the old adjutants ought to be placed in the same position as the adjutants of Militia were placed—namely, a certain retiring allowance if they retired by a certain day. As the matter now stood, on the recommendation of Lord Bury's Committee, Volunteer adjutants could not receive the pay and allowances unless they were incapacitated or had served 15 years. He trusted this would be the last time that these complaints were heard. Without pressing the point further, he expressed his opinion that the same allowances ought to have been made to the adjutants of Volunteers as to the adjutants of Militia. He hoped his right hon. and gallant Friend would state what were his intentions with respect to this matter.

MR. A. H. BROWN hoped the case of the Volunteer adjutants would be fully and fairly considered. Without knowing what were the intentions of the Government with regard to the Report of Viscount Bury's Committee, there were many things contained therein to which he objected. The hon. and gallant Baronet (Sir Walter B. Barttelot) had drawn attention to the case of administrative battalions, and had asked whether they were to be further consolidated. There was one recommendation of the

Committee which, at first sight, would strike anybody as a very good one; but which he believed could be shown to be impracticable. It was that battalions should be amalgamated. For instance, it would be found that the finances of the battalions were in the hands of the lieutenant-colonel, and it would be impossible to amalgamate battalions one with another when you threw upon the lieutenant-colonels commanding the battalion a responsibility in regard to the finances which would be very heavy. Again, it could be shown that the finances of some corps were not in a satisfactory state. To join these corps to others who were financially sound would be thrown upon the lieutenant-colonels of the amalgamated corps, which he thought they would decline. The Committee, in examining the financial state of the Force, had proceeded to divide their expenses under the heads of "necessary" and "unnecessary." But he thought that hon. Members would agree with him that many expenses had been placed erroneously under the latter head. For instance, he found that the charge for stationery, printing, and carriage of parcels were placed as one of the unnecessary expenses. Again, they had put down as "unnecessary" the expenses of Artillery Corps in connection with gun-practice, such as horse-hire and railway fares, which were necessarily incurred when the men had to go many miles to practice. Therefore, to the financial part of the proposals which had been put forward in the scheme of Viscount Bury he felt bound to demur; while he regarded the other proposals as being very good, and as being well worthy of consideration. He hoped, therefore, the right hon. and gallant Gentleman the Secretary of State for War would be able to inform him which portion of the recommendations contained in the scheme it was intended to carry into effect.

MR. MARK STEWART expressed a wish to hear from the Secretary of State for War the reasons why Artillery Volunteers had not received at the hands of the Government more attention than had hitherto been paid to that branch of the Volunteer Service? It was, in the opinion of many persons, extremely important that more pains should be taken to secure the efficiency of the Artillery. As the Committee

was aware, very adequate provision was made at Shoeburyness for the instruction of those Volunteers who were able to go there; but it was impossible that men could come from Scotland, or the Northern parts of England, to receive instruction there in any considerable numbers, when the distance to be travelled and the expense were taken into account. He might mention that within the last two years a camp had been established at Irvine, one of the most accessible towns in the West of Scotland. It was open for four days, and 200 men attended it, not only from Scotland, but from the North of England. The question, however, was how that camp could be maintained; and what was required was that some fund should be provided for the purpose, for while the expenditure of the camp last year amounted to £307, the income was only £203. Its promoters were, therefore, over £100 out of pocket; and it would not, he thought, be wise to allow so useful an institution to collapse for want of the means to carry it on. The sum charged for each man attending the camp for four days was 15s.; travelling expenses, 5s.; total, £1. For an officer, £3 2s.; camp, 10s.; total £3 12s.; while at Shoeburyness, for attending the camp for six days, per man, was 14s. 6d.; travelling expenses, £1 15s.; total £2 9s. 6d. For an officer, £3 10s.; for travelling, £2 10s.; total, £6. What he would ask the Government, under the circumstances, to do was to give a grant of 10s. a-head towards the camp, or even 5s. in addition to Lord Bury's recommendation of 6s. per man to the corps which he belonged towards paying the expenses. In that way the camp might be maintained, and the efficiency of the Volunteers greatly promoted throughout not only Scotland, but the Northern parts of England. It must be recollected how admirably suited Irvine was both for practice and instruction in drill of every description, while at Maryhill a sufficient staff of instructors was always at hand. He wished, also, to point out the necessity which existed for increasing the grant with the view of enabling commanding officers to meet the expenses, which had to be borne for the purposes of drill; for it was impossible that many of them could meet those expenses, unless the funds at their disposal were supplemented by

a Government allowance on a larger scale. Again, the Artillery Volunteers were frequently exposed to very severe weather; they had to go through their exercise on the shores of the sea, and they ought, he thought, to be supplied with great coats, under a penalty that if they were not found in a certain condition at the end of a given time, the Volunteers themselves should be liable to make good the deficiency. He could not help adding that Volunteer adjutants seemed to him to be placed in a very disadvantageous position as compared with adjutants in the Militia or the Yeomanry. The Volunteer adjutant, for instance, had no such accommodation as regarded rooms when in barracks as the Militia adjutant; and, instead, only an allowance of 2s. 3d. per day, or 15s. 9d. per week; he had no soldier servant, but an allowance of 1s. per day, or 7s. a-week; and instead of having an allowance of forage for keep of a horse at contract scale, only 1s. 10d. was allowed per day, or 12s. 10d. per week, notwithstanding that he had much more work to do than when employed with his own regiment. The ordinary Volunteer adjutant in an Artillery battalion had to work eight months out of the 12; and he trusted the Government would be able to give the Committee some assurance that their position and that of other adjutants, as, for example, Yeomanry adjutants, who, he was told, lost, by their appointment, £220 a-year, would be looked into, and that their retiring allowance would be placed on a more liberal platform, especially those adjutants who had been a long time in the Service, and that they would be more liberally treated in future.

MAJOR O'BEIRNE said, he thought a very strong case had been made out on behalf of the Volunteer adjutants for the consideration of the Government, and expressed a hope that the right hon. and gallant Gentleman the Secretary of State for War would see the expediency of increasing their retiring allowances.

LORD ELCHO wished, as allusion had been made by his hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot) to the consolidation of administrative battalions, to point out to the authorities at the War Office the necessity of being very careful in dealing with that question. They

might proceed in the direction of consolidation until they had succeeded in getting rid of a good deal of the Force. His hon. and gallant Friend had also referred to the clothing of the Volunteers, and had asked whether it was the intention of the Government that it should be altered? Now, he could tell the Committee, of his own knowledge, that there was a strong feeling on the part of many Volunteers that it was desirable the gray uniform should be retained, because they believed it to be more serviceable, and better suited to the Force than a red uniform, which a shower of rain might spoil. Besides, as many hon. Members were aware, gray was the colour which was used in India for service, and which had been chosen by Sir Garnet Wolseley for his troops during the Ashantee War as being the most serviceable. There could be no doubt that, for service in the field, gray was a better colour than red. Probably, a good way of compromising the matter would be that both the Army, Militia, and the Volunteers should have a gray undress and a red full-dress uniform. And when a compulsory change to red was defended on the ground of the enemy otherwise being able to distinguish the Volunteers from the Regular troops, it was manifest that this argument fell to the ground unless the similarity in dress and equipments was complete in all respects. But there was, as he had said, the strongest possible feeling in favour of retaining the gray uniform. It had been suggested that the main difficulty of supplying Volunteers with a uniform of that colour in time of war would be an administrative one; but considering the difficulty which was experienced by Volunteers in times of peace in procuring clothing of any description from the Government Stores, it would be better, in his opinion, that they should rely altogether on private contractors. So great had he found the difficulty to be in his own regiment, that he was obliged to give up resorting to the Army Stores; and he hoped the Government would not press the matter, unless they meant to make the uniformity in clothing complete as between all branches of the Services, and to extend it to such articles as buttons, belts, and lace; it would be useless, he thought, to enforce it merely with regard to the colour of cloth

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worn. But there was another matter which, in his opinion, was much more important than the question of the colour of the uniform of the Volunteers, although it had not been touched upon in the course of the present discussion—he alluded to the question of drill. As things at present stood, a certain number of drills were required to be gone through by the Volunteer recruits. A Volunteer in the first year of his service was required to do 30 drills, the number being only nine for the subsequent years. It had, however, been recommended by Viscount Bury's Committee that 30 drills should be required in the second year also—that was to say, that there should be 60 drills during the first two years. Now, he would venture to remark that there was such a thing as riding a willing horse too hard. The Volunteer Force, in point of numbers and efficiency, was, at the present moment, in a state which no one believed it would arrive at when the Volunteer movement was first started. It was, in fact, the only decently sound portion of our military system. A good deal had been heard about the Militia; and when the Vote for the Reserves came on, the Committee would be able to understand how we stood with regard to a Reserve Force. He would strongly recommend the Government, therefore, to be careful how they assented to any proposal which would have the effect of impairing the efficiency of the Volunteer Force. He deprecated what he would call *trop de zèle* in dealing with it. The only thing which the Volunteers had got out of the Committee to which he had referred was the proposal that 30 compulsory drills should be required in the second year; and he was afraid that if that proposal were acted upon the result would be that the numbers of the Force would be diminished, while its efficiency would not be increased. He hoped, therefore, the Government would see the expediency of not pressing that proposal further. But there was another matter which was dealt with in the Report of the Committee, and that was the question of numbers. They wanted to limit the number of Volunteers; but it would not, in his opinion, be advisable to act on that recommendation. When the Militia was in a sound condition, and the Reserve what

it ought to be, then the question of limiting the number of Volunteers might very fairly be taken into consideration. But, in the present state of those Services, it would, he could not help thinking, be bad policy to put any limit on the number of our Volunteer Force. Those were the main points on which he deemed it necessary to touch on the present occasion. There was another point, however, on which he desired to make one or two observations. The case of the adjutants had been referred to; and he, for one, was prepared heartily to endorse all that had been said as to the merits of those officers, to whom the Volunteers owed so much. He was bound to say that, under the new system, the Volunteers had been very fortunate, generally speaking, in the adjutants whose services they had secured. As to sergeants, he could only say that it had been found impossible to get good men to fill that position without spending more than the Government allowance, so that it was not fair to describe the expenditure on that score as unnecessary. But there was another point to which he wished particularly to refer before he sat down; it related to sergeant-majors. The question had been raised, whether sergeant-majors were entitled to a pension; and his right hon. and gallant Friend the Secretary of State for War, in replying to that question, had stated that there was no such rank as that of sergeant-major in the Volunteer Force. Power, he said, was given to Volunteer officers to appoint men to perform the duties of sergeant-major; but there was no such title in connection with the Force known to the authorities at the War Office. His right hon. and gallant Friend was, however, mistaken in that respect; for, in accordance with the Warrant of 1863, Article 204, it was laid down that a commanding officer of Volunteers might appoint a sergeant-major; and, again, in the Warrant of 1877, it was set forth that sergeant-majors were to receive the same pension as sergeants. It was clear, therefore, that by Royal Warrant commanding officers were empowered to make such appointments, and that the men so appointed were entitled to pensions. The answer which had been given by his right hon. and gallant Friend was, therefore, not consistent with the facts of the

case. Speaking from his own experience as a Volunteer officer, he was glad to be able to bear out the statement that as the services of the adjutants had been found most valuable, so, also, had those of the sergeants and the sergeant-majors; and he fully believed that, under the Warrants to which he referred, there were *bona fide* sergeant-majors, and that they were entitled to a pension as such.

MR. J. BROWN wished to make a few remarks with respect to the retiring allowances of Volunteer adjutants, who were, in his opinion, a very ill-treated body of men, seeing that, although they had very important and arduous duties to perform, they would hardly receive sufficient in the shape of pension to keep body and soul together. Speaking as an outsider, not belonging to the Volunteer Force, he might say that he had always experienced at the hands of those officers the greatest courtesy and kindness; and he was, therefore, glad to be able to speak a word in their behalf. He had moved for a Return, which he hoped would throw some light on the subject; but it had not, he regretted to say, as yet been laid upon the Table, owing, it was but fair to add, not to any fault of the War Office authorities, but rather to the delay in filling it up on the part of the adjutants themselves, who, perhaps, did not thoroughly understand the matter. The Return would show what was the length of service of these officers; what amount of money they received, in the shape of pension and retiring allowance, from the sale of their commissions, or in any other way under the retirement scheme. But as he was unable to refer for information on those points to the Return, he might be allowed to mention one or two cases with the particulars of which he was acquainted, and which appeared to him to involve considerable hardship. There was one instance in which an officer had served 25 years in the Royal Artillery, and subsequently for 18 years as adjutant of a Volunteer regiment; but after a total service of 43 years, all that he would receive as a retiring allowance would be something like £130 a-year. Those gentlemen had done their duty thoroughly well, and in the most satisfactory manner; but they were placed in a worse position than a captain of the Army with less service. By the Army retirement scheme, a captain

retired after 20 years on about £200 a-year. A number of Volunteer adjutants had sold their commissions before becoming adjutants. The amount realized from the sale of their commissions ought not to be taken into account in considering their retiring allowance. It was made out by Mr. Knox before the Volunteer Committee that some of them would receive 13s. a-day retiring allowance, of which 7s. a-day arose from the sale of their commissions, and 6s. a-day only from the proper retiring allowance according to the scale offered. On looking over the Return, he found that 24 Volunteer adjutants had realized nothing by the sale of their commissions; 11 of them had realized £250; 15 had sold out for not more than £450; 29 had obtained sums between £450 and £1,000; but only 16 had realized upwards of £1,000; two had lost £1,000 each. Allowing that they realized this last-mentioned sum of money, it was only sufficient to give them something like 4s. a-day in addition to the retiring allowance proposed. Even adding this to the proposed retiring allowance it would not be sufficient to keep these gentlemen alive; but he did not think that the sums realized by the sale of their commissions should be taken into account, for it was their own money which they only received back. It was very unfair to take into consideration the sum which they realized by the sale of their commissions previously to becoming adjutants. Therefore, the only allowance which was offered on retirement was about 6s. a-day, or £110 per annum, after 30 years' service. They were told that 8s. a-day might be given; but he trusted that the Government would grant them the same retiring allowance as was given to Militia adjutants. That was the least that could be done to a body of men who had proved themselves so valuable, and had done so much for the country and for the Volunteer Force.

SIR HENRY WILMOT wished to state that for a number of years he had held command of a very strong regiment. The uniform was scarlet, and, for eight days, he had taken the regiment into camp in the worst possible weather. They had received no aid from the Regular Forces, but were encamped alone for eight days, performing all military duties, notwithstanding the soaking rain. At the end of the period

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they were inspected by the late Lieutenant General Lindsay. Before the General left the parade ground he rode up to him, and stated that he could not leave the camp without saying that the men would be a credit to any Service in the world, from their efficiency and for the clean way in which they turned out after the bad weather they had gone through. After that experience of scarlet uniforms, he thought they were under no disadvantage, compared to other colours. He began life as a red soldier; and his experience was that if men knew how to clean their red coats they could keep them in just as good condition as the green or gray uniform. He was sure that if the scarlet uniform of his regiment was changed to gray clothing, they would have the men who had been accustomed to it leave in a short time. He thought that scarlet was the national and proper colour for the uniform.

SIR UGHTRED KAY-SHUTTLEWORTH said, that in the borough which he had the honour to represent (Hastings) the Artillery Volunteers had no objection to the recommendation of Viscount Bury's Committee, that every recruit in his second year should do 30 drills. On the other hand, they said that one week at Shoeburyness encamped was more important to them than a whole year's drilling. He would urge upon the Government to give greater encouragement to the Artillery Volunteers to go to Shoeburyness. They ought to be taken to and from the camp, and the cost of their living ought to be allowed them free of charge. These, he considered, were reasonable requests, and showed a very great desire on the part of the Artillery Volunteers to make themselves efficient. Volunteers were quite ready to do the increased number of drills which was required of them; but they were anxious to go into camp and submit to real discipline.

MR. STACPOOLE thought that the Volunteers ought to be clad in scarlet uniforms, like the Line and Militia. It was absurd to say that a red coat soon began to look shabby; he knew the contrary, as he was in a Militia regiment in 1855. He still had his old red coat, which was now as good as when he first had it, and it certainly went through some very wet weather at the Curragh, and other places. He hoped that the House would pass a Resolution

that all the Volunteers should be clad in scarlet; for he thought that it would be very much better for all branches of the Service to be dressed in the same manner. A red coat was darker at night than any other colour; he had often been in a scarlet coat at night, and he was sure that it looked very much darker than any other colour would do. He also hoped that the Government would take into serious consideration the position of the adjutants, and would place them in the same situation as the Militia adjutants.

SIR ARTHUR HAYTER did not think there was any proposition in the Report of the Committee which was so much disliked by commanding officers of Volunteer regiments in London as the proposed amalgamation of corps. In the first place, the Volunteer regiments in London were, as a rule, much too large for amalgamation; and, in the second place, they were separated from each other by a wide demarcation of classes. It would be quite impossible, for instance, to amalgamate an East End with a West End corps, nor would the lawyers, the Civil Service, and the artists amalgamate with working men's corps. He was certain that if this plan were adopted it would be destructive, in many cases, to entire regiments. The Committee stated, in its Report, that the first saving which would be made would be with regard to drill halls and rifle ranges. The right hon. and gallant Gentleman the Secretary of State for War must know that, so far as rifle ranges were concerned, a number of large corps now used the same rifle range. Hardly any London regiment had the sole use of a rifle range. With regard to drill halls, they would be very glad to share one, for their regiment had none, and he knew of no London regiment possessing one. The only saving that would be made by amalgamation would be in the cost of head-quarters; but it would be very much better that this expense should be borne by the separate corps, than to effect it at the cost both of the comfort and numbers of the regiments united. With regard to the Volunteer camp allowance, he trusted that his right hon. and gallant Friend would recommend an increased allowance to those Volunteers which had already gone into camp this year. At Whitsuntide nearly 300 of his corps went into camp.

They were now to have 10s. 6d. travelling expenses per man as a maximum, and 2s. a-day for the six days spent in camp. He did not agree with what had been said as to a limitation of the numbers of the Volunteers; indeed, it seemed to him somewhat invidious to refuse to accept additional Volunteers in the present state of the Force. Within the last 15 years the Volunteers had increased by 80,000 men; and, according to that ratio, the maximum would not be reached for seven years to come. He thought it would be better to postpone fixing the limit until the proposed number was much more nearly reached. The question of dress had been a great deal discussed, and he did not wish to go into the point; because he presumed that a rifle regiment like the one which he had the honour to command would be allowed to remain in the same uniform as the Rifle Brigade, to which it was attached. One proposal had been made which seemed to him to be a very good one, and that was, that water bottles and great coats, to the extent of one water bottle and great coat to one-fourth of the number of the Volunteers, might be kept in store, and issued to the Volunteers when they went into camp. Of course, if they gave Volunteers great coats there was no security that they would not use them for other than military purposes. Lastly, as to the old adjutants, it was surely unfair that there should be any discrepancy between the adjutants of Militia and Volunteers, and that the former should receive a pension of 10s. a-day, while a Volunteer adjutant should only be able to earn 8s. a-day. If a man was to retire upon 8s. a-day he would have £140 as a maximum; and could they expect a man in receipt of £240 and other allowances to retire and accept a pension of £140 a-year? If the Government would grant Volunteer adjutants the same retiring allowance as was made to adjutants of Militia—namely, 10s. a-day, it would, according to the evidence offered, give full satisfaction to all. There was one point to which he hoped his right hon. and gallant Friend would turn his attention—namely, as to whether some badge or medal for long service could not be given to Volunteers, now that the Force had reached its 20th year of service? At present, an old Volunteer had nothing to distinguish him from a

raw recruit; and it was hard that he should not receive some badge, such as was given in the Regular Army to men of long service and good conduct. He thought that some honorary rank should also be given to retired lieutenant colonels and majors. It would cost nothing to the country, and would be very acceptable to the Volunteer Service, which was growing and increasing both in numbers and efficiency every year.

COLONEL LOYD LINDSAY would reply to the remarks which had been made by hon. Members upon this subject. Questions had been touched upon which were before the Committee appointed, as hon. Gentlemen knew, by his right hon. and gallant Friend's Predecessor, to inquire into the requirements and wants of the Volunteer Force, and to say whether it was necessary to do anything, either by increasing the capitation allowance to the Volunteer Force, or by other means, to increase its efficiency and contentment. The Committee went into that inquiry with every desire to do ample justice to the Volunteer Force, and if they saw their way fairly and honestly to recommend an increase of the allowance in order that the Force, to whose patriotism and utility everyone so readily acquiesced in bearing testimony, might be maintained in its present state of efficiency. In the course of their inquiry the Committee sent out certain questions, which were answered throughout the whole of the Force. They asked, amongst other things, upon what most of the Volunteers expected their capitation grant? Very soon the Committee were able to divide the classes of expenditure under different heads; they classed certain expenses necessary, and certain other items they put amongst unnecessary expenses. His noble Friend the Member for Haddingtonshire (Lord Elcho), and one or two other hon. Members, laid some blame on that mode of classification, alleging that the Committee had put down some matters as unnecessary which were, in reality, necessary. Amongst those things was mentioned the extra pay given to Staff sergeants. It did seem wrong, at first sight, that the Volunteers should give extra pay to their Staff sergeants; no one objected to their doing so; but he did not think they should do it out of the capitation grant. The Regulations laid down that a certain sum should be

Sir Arthur Hayter

paid to Staff sergeants. That amount was calculated at the War Office on the same scale as the Militia pay for Staff sergeants, and it ought to be sufficient. If they gave Staff sergeants more than the Regulation allowance, they would be making better terms for themselves at the expense of the rest of the Service. They might do that out of their own pockets; but they were not entitled to come to Government and say—"Give us more capitation grant, in order that we may be able to give better terms to Volunteer sergeants than are given to Militia sergeants." If the matter were looked at in that light, it would be seen that it was not a case which required an increased grant. With respect to the extra stationery allowance, if anything further was necessary, it fell under the head of "unnecessary expenses," as a sufficient amount was now allowed. With regard to clothing, he was glad to see that some hon. Members who had addressed the Committee during the latter part of the discussion were more in favour of a scarlet uniform than those who spoke first. He would say at once that the Government was in favour of clothing the Volunteers in scarlet. The view which they took of this question was this—a similarity of dress was most desirable throughout the Force; at present, as was well known, a great variety of dress and costumes were worn in the Volunteer Force. If the Volunteers were called out, one of the very first things which would have to be done would be to put an end to the great variety of costumes, and to consider what would be the best clothing for the Volunteers. That was one way of looking at the matter; and, at the present time, when they had no great emergency, they ought to decide what was the best uniform for the Volunteers. If it were left until an emergency was upon them, there would be great difficulty in the matter. It was essential that they should determine upon a good and useful dress for the Volunteer Force; and, having determined upon it, they should do their best reasonably—he did not say forcibly—to induce the Volunteers to adopt it. The matter had been carefully considered and discussed at the War Office by his right hon. and gallant Friend the Secretary of State for War and those who advised him; and what seemed to them the best proposal was to

say that a scarlet uniform should be the dress for Volunteers, and that the facings should be similar to the facings of the county regiment or district to which the Volunteers were attached. The Metropolitan Volunteers would be attached for drill and exercise to battalions of the Guards. They did not wish to carry their theory to such an extent as to dishearten old-established regiments, who were now dressed in gray or green; and, therefore, they did not wish to say to them—"You shall absolutely conform to the red uniform;" but they would say—"We strongly recommend it." They would say to them—"That is the dress which we think you should adopt; but if you wish to continue your old uniform, there is no objection to your retaining it." They also proposed that the Volunteers who chose to conform to what the Government said was the Regulation dress, should have certain advantages by being able to draw their clothing from the Government Depôt, and by paying for it by deductions from the capitation grant. That would be a great saving to the Volunteers, for they had to pay their tailors large sums of money to obtain long credit. The Government would give to those regiments conforming to the Regulation dress the advantage of being able to draw their clothing from the Government Stores. He could not agree with the strictures which had been passed with regard to red uniforms, for he thought they were a most useful dress; if a man knew how to use it, he could keep his red coat quite as clean as any other coat. He thought his noble Friend was most ungrateful, when he said—"We have asked you for bread, and you have given us a stone." If his noble Friend would look at and read the recommendations of the Committee with regard to camps, he thought he would see that a very distinct advantage had been granted to the Volunteers, and that it was one which would be of great value to them. Of course, some Volunteers did not want to go into camp; and if they did not go into camp they must not want an additional grant. The proposal which was made was most handsome and substantial; it was to give 2s. per head per day to the Volunteers going into camp, on the condition that they spent not less than three days in camp. Thus, every man who spent six days in camp would earn 12s.

—an enormous sum—and he was almost afraid they could not afford it. If large numbers of Volunteers went into camp it would amount to a very large sum, and he thought that it would be well not to allow more than a certain number of men to go into camp. At all events, this was a most substantial advantage; and it had this in its favour—that it was paying money to the Volunteers who would make themselves more efficient than heretofore. That was the principle upon which they went to pay for efficiency—a little more efficiency and a little more pay. With regard to adjutants, nobody could wish better to those very deserving officers, the adjutants of Volunteers, than he did. They had performed a very heavy and a very arduous task, and had done it extremely well, and were fully deserving of all the consideration which could be shown to them. With that view, the War Office proposed, with the sanction of the Treasury, to apply to them an increased retiring allowance—a substantial increase in the allowance from what they formerly had. He must make this remark—that he did not consider that these adjutants of Volunteers should be placed in a better position than officers retiring from the Army. If exceptional advantages were given to them there would be dissatisfaction, for all officers would wish to retire on the same scale. It had been suggested that the same retiring allowance should be given to them as was now given to adjutants of Militia. He did not think that all the conditions that accompanied that allowance had been mentioned to the Committee. The terms upon which adjutants of Militia retired were—that within three months they must make up their minds whether or not they would take it; if they did not make up their minds within that time they had to fall back upon a less liberal allowance. It was proposed to give Volunteer adjutants an allowance which they could take up at their leisure. A man who had served 15 years might wish to serve for longer, and retire upon a more liberal scale. If these recommendations were adopted, he thought that Volunteer adjutants would be thoroughly satisfied with the scale of allowance offered them. Some remarks had been made with regard to the additional drills which the Committee had recommended for Volunteers. He did not know that

these drills would be imposed as a matter of regulation; and it was for that House to consider how many drills a Volunteer ought to perform. Many Volunteers in the country did a great many more drills than they were bound to do. It was by no means a high amount of drills which was now required from the Volunteers, and they should squeeze them to the utmost they could. It was most distinctly his opinion that it was necessary to make Volunteers as efficient as possible. When they came to ask for more money they should be made to do increased work. It was quite right that the country should make the best bargain with them possible. There were many Volunteers who were not what they ought to be in the matter of efficiency, and it was quite right to impose some more drills upon them. He held that it was quite a reasonable demand, when they were going to spend £25,000 or £50,000 a-year more upon the Volunteer Force, that they should say—"We require more efficiency." As the Volunteers were willing to work the demand was only reasonable. Volunteers, like other people, were all the better for a little coercion. In past years, whenever they had put heavier and more stringent terms upon the Volunteers, to their credit be it said, they had in every case risen up to them. Judging by that, they ought to presume the same in the future. He did not say that anything should be done to check the Force; he should be very sorry to do anything to check the Volunteer Force. The more exercise and the more drills that were imposed upon them the better it would be for them. With regard to consolidation, that seemed to him to be one of the most important questions with regard to the Force. There was a certain number of battalions which had to maintain rifle ranges, and drill sheds, and headquarters, and various things of that sort; and it was quite obvious that while the burden was borne by a small number of men it came much heavier than if it were borne by a large number. In Edinburgh there was a Volunteer corps well known to his noble Friend the Member for Haddingtonshire (Lord Elcho), which spent no more money than it obtained from Government. Being a strong regiment, it was able to keep within the capitation grant. If they cut these small regiments up, and made them into a

Colonel Lloyd Lindsay

strong regiment, they also would be able to keep within the capitation grant. In that way both efficiency and economy would be promoted. That was the direction in which they ought to go. He did not want to violently drive the corps into a condition from which they would not stir; for it should be remembered that a Volunteer could leave the Force at 14 days' notice. With regard to amalgamation, he thought that ought to be insisted upon. There were some regiments in a peculiar condition of command which did not give them the complete position of regiments. Corps were part of what were called administrative battalions; and he thought that these ought to be distinctly consolidated into regiments. That was quite a different thing from joining two distinct corps together. Administrative battalions, if consolidated, would make one complete regiment; and hon. Members would see that great advantages would accrue from that taking place. In some cases, these administrative battalions were composed of six or seven companies, and each of those different companies was an independent command, and that could not be right. Each of these companies, being an independent command, had a separate commanding officer, who was in the same position as a commanding officer of a regiment to those under his command. He believed that there were about 130 battalions in this state; and he thought they ought not to be allowed to continue in that condition. Those administrative battalions ought to be consolidated, and great advantage would be experienced by the change. If hon. Members would look into the matter, he was sure that they would find that many advantages would be gained by this plan. It was the desire of the Government to do this in the interests of the Volunteer Force; and he hoped that all who took an interest in the Force would rather favour these reforms than set their minds against them. As regarded Artillery Volunteers, he might state that his right hon. and gallant Friend the Secretary of State for War had caused inquiries to be made to ascertain whether suitable sites could not be found for a School of Instruction for them. When that had been done, Artillery Volunteers from the North of England would be enabled to go into camp without having to go down to the South for their instruction.

Mr. CAMPBELL-BANNERMAN was sure that the Committee must have heard with very great interest the speech of his hon. and gallant Friend. He wished to know, however, whether the views which the hon. and gallant Gentleman had put forward were only the proposals of the Committee, or whether they expressed the decision of the Government? In his observations, he passed from speaking in one capacity into another. The House, and the country, and the Volunteers wished to know what parts of the Report of the Committee the Government was going to adopt, and what action they were going to take upon it? He would take the matters in their order. And, first, with regard to the organization of the Volunteers. Were the Government going to consolidate administrative battalions? He agreed in thinking that that was a thing which ought to be done gently and carefully. It was a common thing to say that the whole of our Army was a delicate machine; but no part of it was so delicate as the Volunteer Force. If any attempt was made to force the Volunteers they would melt under their hands. He agreed that in many cases consolidated battalions would be an advantage; but to enforce consolidation would be in some cases fatal. Although administrative battalions had many disadvantages, yet, in many parts of the country, if they put an end to the organization of the administrative battalions, the whole regiment would melt away. With respect to the question of adjutants, he was not a very strong advocate of their claims, though he thought that it might be advisable in the public interest that they should have an increased retiring allowance. He should like to know whether he rightly understood that the War Office had determined to give this increased allowance, and that the Treasury had assented and agreed to its being done? That was a matter of importance, which ought to be cleared up by the right hon. and gallant Gentleman the Secretary of State for War. The same thing might be said with regard to the allowance for going into camp—he listened very carefully, and he did not understand whether an additional allowance for going into camp had actually been decided upon and approved by the Treasury. For his own part, he entirely approved of an

increased allowance being given. The Volunteers had done so well that they ought not to grudge them any money which they might require for any useful purpose. Then he came to the much disputed question of the colour of the clothing. Had the Government determined upon the course which his hon. and gallant Friend had stated—that scarlet, as the national colour, should be the recognized colour of the uniform for all Volunteers in all cases, except where the Regular regiment belonging to the district was otherwise clothed; and that all corps which preferred other colours were to be put at a disadvantage in having to pay for their own clothing, instead of getting it at a cheaper rate from the Government? He was not going to express a strong opinion in favour of one colour or another. He thought both ought to be allowed to continue, and that individual localities should suit their own tastes in the matter. He must, however, demur to one expression of an hon. and gallant Gentleman with regard to scarlet. The hon. and gallant Gentleman seemed to think that scarlet was the national colour. As he understood it, that was a popular delusion; the original national colour of the English Army was a drabish grey. A buff grey was the colour in which Marlborough's victories were won—scarlet was only the livery of the House of Hanover, which was adopted when that House came to the Throne. Still, undoubtedly, scarlet had been consecrated by subsequent victories. He thought, therefore, that there was no reason to call one colour more national than the other. There were advantages on the side of gray which scarlet did not possess; but scarlet, on the other hand, had its advantages. The matter was, however, of a very delicate nature, for it was very dangerous to try to force any corps into a particular colour of uniform. He would like to hear from his right hon. and gallant Friend what decision the Government had really come to with regard to the whole question, and how far they might accept the statement which they had listened to with so much interest from the hon. and gallant Member for Berks as the decision of the Government upon the points in question.

SIR THOMAS ACLAND stated that he had served for 40 years in the Volunteer Force, and for 20 years had been

colonel of an administrative battalion. He was not prepared to say that there was any distinct advantage from consolidating administrative battalions into a regiment. On the other hand, he thought there was considerable advantage in the present system, by its taking off the shoulders of the commanding officer of the administrative battalion much of the unpopularity which would attach to a command. No doubt, to a certain extent, there was something to be said for a consolidated system; but with a very large experience of the kind of corps in question, he had no hesitation in warning the Government to be very careful before interfering with them. He had paid very great attention to this matter, and he had worked up the regulations upon the subject with very great care. And he had considerable practical experience as to the mode in which the present system worked. Under the present system, the commanders of the different corps forming an administrative battalion in agricultural districts might be bank managers, or country gentlemen, or other persons of reputation in the district in which their corps was situated, and it was essential that their authority should be maintained in the districts in which they resided. He thought that the position of a colonel of an administrative battalion was far stronger under the present system than it would be if such a corps was consolidated into a regiment. If anything went wrong at the present time, the commandant of one of the corps forming the battalion reported the matter to the colonel in command of the battalion; and if it were of sufficient importance, the colonel reported it to the Under Secretary of State; and his authority by that system was far stronger than it would be if he had the details of discipline before him in the case of every individual corps. That was the result of his experience; and he thought that the position of the colonels of administrative battalions was better at the present time than it would be if a change were made in the direction of consolidation. With regard to the subject of clothing, he did not wish to enter into it. But he would urge upon the Government to remember one thing, and that was, that as soon as a man was off parade he ought to have nothing to do but to brush his clothes and to put them

Mr. Campbell-Bannerman

away; if a man had to clean up his uniform with pipeclay, and take a great deal of time in so doing, it would be very unfair to busy men who had but a short time to give to their military duties. He believed that the Government would act wisely, if they made administrative battalions a little better off in the matter of clothing. At the present time, the captains commanding small corps were very much pressed by the claims of tradesmen; and if the colonel of a battalion had a little more authority in keeping the clothing in good order, very good service to the Force would be done.

COLONEL STANLEY said, that after the very clear explanation which his hon. and gallant Friend had been good enough to make, it was hardly necessary for him to enter into the matter at any length. He had been asked questions, however, upon one or two points which he should like to reply to. He had been asked whether his hon. and gallant Friend had simply expressed his own opinion as a Member of the Committee, or whether what he said was the opinion of the Government? In many instances, there might be a great identity between his hon. and gallant Friend's replies in the two capacities. But, on some points, he spoke with some reserve. Notwithstanding that, he felt strongly for the necessity for an increased allowance in respect of camps. Although the War Office was strongly in favour of giving an increased allowance, the matter had not yet finally received the decision of his right hon. Friend the Chancellor of the Exchequer. But he hoped, however, that the matter would be received by him in the same conciliatory spirit in which other proposals laid before him were received. With regard to consolidation, that was a matter in which they had proceeded tentatively and carefully. They did not doubt that consolidation of small corps would be an advantage; but, on the other hand, the experience of his hon. and gallant Friend had induced him to pause in consideration of the practical difficulties which attended consolidation. It was far from their wish, where difficulties were in the way which could not be easily overcome, to press consolidation to the point of endangering the existence of corps. In the same way, as regarded clothing, their course was clear. Scarlet had been accepted for some time past as the na-

tional dress of the Service, taking the Service generally; and they agreed with the opinion of Sir Garnet Wolseley, when Instructor General of the Artillery Forces, that red was the most desirable colour to be adopted by the Service, as a whole. To say that there was no feeling against the adoption of that colour, he would point out that in the Report of a Volunteer Committee it was stated that already 91 regiments had adopted scarlet, against 66 regiments in green and 67 in gray. Thus, scarlet appeared to be the dress which was most in favour with the Volunteer branch of the Service. Many persons conversant with these matters stated that many corps were merely held back from adopting scarlet with a view to see what would be done before they made the change; but that they had had it in contemplation to adopt scarlet. The only rule they intended to lay down was that where a corps intended to change its dress, then the change should be to red. But where a case occurred in which a corps was unwilling to change its uniform to scarlet, then they were willing to receive the expression of their wishes, and to deal with the matter in a spirit of consideration. At the same time, he wished it to be clearly understood, as regarded the matter of scarlet uniform, that it was desirable to adopt this rule, that in the case of red clothing only should facilities from the Clothing Department be given. It was impossible to put the Clothing Department of the Army in a position to supply any description of clothing which the Volunteers might choose to adopt. As respected the camp allowance, their intention was to apply to the right hon. Gentleman the Chancellor of the Exchequer for permission to include in the Estimates a larger camp allowance than was now given. He was afraid that it would be impossible to make that increased allowance retrospective, as was proposed. It would be impossible to say that they should make a Warrant of this description retrospective. He thought that those who came under the Warrant must be content to accept the benefit given by it as they found it; and he did not think that they could expect to have it ante-dated. He hoped he had made it clear that it was desired to give the increased allowance in respect of camps; and he had every hope that

that desire would be carried into effect. Under these circumstances, he trusted that after the discussion which had taken place the Committee would pass the Vote, and that then they should report Progress.

MR. WHITWELL inquired whether any resolution had been come to with regard to limiting the numbers of the Volunteers?

COLONEL STANLEY said, that, as regarded the increase of numbers, they did not at present intend to exceed the number which the Committee put as the maximum. If the Force continued to increase in the same ratio as it had done for the last five years, it would increase yearly, at a cost to the country at something like the expense of a battalion of Infantry. Whereas, in 1873-4, the Force cost £414,000, the expenditure on account of it now amounted to £512,000. He did not object to the increased expenditure; but, at the same time, he could not help saying that there was a point at which an expenditure of this kind ought to be very carefully considered. There was another point which he ought to mention. At the present time, an establishment of Volunteer corps contained a number of supernumeraries. It was a custom that where a certain number of these had been got together an application should be made for forming them into an extra company or battery. It was proposed in the future to deal with applications of that kind at a certain period of the year; in that way it was proposed to grant the applications in respect of the better corps, and to refuse them in the case of less good corps.

Question put, and agreed to.

House resumed.

Resolution to be reported *To-morrow*, at Two of the clock.

Committee to sit again upon *Wednesday*.

CUSTOMS AND INLAND REVENUE

BILL.—[BILL 150.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Sir Henry Selwin-Ibbetson.*)

CONSIDERATION.

Order for Consideration, as amended, read.

MR. RYLANDS inquired when it was intended to take the third reading of the

Colonel Stanley

Bill? He had a Motion with regard to the Military Expenditure in South Africa, which he intended to bring on in connection with this Bill.

THE CHANCELLOR OF THE EXCHEQUER said, that if it was intended, on the third reading of this Bill, to raise a question on the Expenditure in South Africa, the third reading must be fixed at some future day; but when he could not at that moment say.

Bill, as amended, *considered*.

Bill to be read the third time *To-morrow*, at Two of the clock.

INDIAN MARINE BILL.—[BILL 182.]

(*Mr. Edward Stanhope, Mr. John G. Talbot.*)

SECOND READING. [ADJOURNED DEBATE.]

Order read, for resuming Adjourned Debate on Question [19th May], "That the Bill be now read a second time."

Question again proposed.

Debate resumed.

MR. ONSLOW objected to the Bill being read a second time, inasmuch as he had asked the Under Secretary of State for India whether a Committee could not be appointed to consider the expenditure upon the Indian Marine? The Marine expenditure was increasing very much in India, and money was not only spent upon it, but also upon the Royal Navy. He thought that the expenditure upon the Indian Marine and upon the Royal Navy performing duty in Indian waters should be considered before this Bill was passed. If his hon. Friend could give an assurance that there was not to be a double expenditure in respect to the Navy in India, and that an Indian Marine was required to do the same duties that the Royal Navy was now paid for performing, he should have no objection to the Bill passing. But, as the matter at present stood, this Bill seriously affected the finances of India.

MR. E. STANHOPE said, that this Bill raised no question of finance at all. The Bill was only for the purpose of enabling discipline to be enforced upon such part of the Indian Marine as it was found necessary to employ in addition to the Royal Navy. He would propose an Amendment to strike some words from the Preamble of the Bill, which he

thought would meet the objections which his hon. Friend had made. He should be very glad for inquiry to be made into this matter; and he thought it might be shown that not a single farthing of expense in India was incurred by this Bill.

Question put, and *agreed to*.

Bill read a second time, and *committed* for *To-morrow*, at Two of the clock.

INCLOSURE PROVISIONAL ORDER
(MALTBY LANDS) BILL.—[BILL 31.]
(*Sir Matthew Ridley, Mr. Assheton Cross.*)

SECOND READING.

Order for Second Reading read.

MR. MUNDELLA asked his right hon. Friend the Home Secretary to consent to the discharge of this Order. The right hon. Gentleman had agreed that if the matter were not passed before that time he would discharge the Order in respect of it; and he now trusted the right hon. Gentleman would do so. They had now arrived at a point at which the Bill should be left to the Standing Orders. A Select Committee had made a special Report with respect to this Bill, which made it impossible for it to pass that Session; and he hoped that the right hon. Gentleman the Home Secretary would now consent to allow the Order for the second reading to be discharged.

MR. ASSHETON CROSS regretted extremely that, owing to a Notice being placed on the Paper, the Bill was then prevented from being proceeded with by reason of the operation of the 12 o'clock Rule. The parties in the matter had gone to a great deal of expense, and yet had not had an opportunity of bringing their views before the House. If the Amendment had not been put upon the Paper they would have been enabled to state their case; and he had no doubt that a decision would have been come to, either for or against their view. This was the last day, apparently, on which the Bill could be taken, so as to comply with the Standing Orders of the other House; but he knew of one case where a Bill not so far advanced was taken. In the absence of his Colleague, he did not think that he could permit the Order in this matter to be discharged.

Second Reading *deferred till Thursday*.

SALMON FISHERY LAW AMENDMENT
(No. 2) BILL.—[BILL 188.]

(*Colonel Kingscote, Sir Joseph Bailey, Mr. Stafford Howard.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Colonel Kingscote.*)

COLONEL KINGSCOTE said, that this was a very simple Bill, and was founded upon the Report of the Government Inspectors, made in 1877. It embodied the views of those officials in respect of doing away with a close time weekly, and extending it to an equivalent period in May and December. It only related to tidal waters—in fact, was local—fisheries in the Severn being only affected. He might state that most of the proprietors of the upper waters were in favour of it.

Motion *agreed to*.

Bill read a second time, and *committed* for *Thursday*.

MOTION.

CONVICT "THEODORIDI."

MOTION FOR AN ADDRESS.

MR. CALLAN moved,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Memorial presented by or on behalf of the Convict 'Theodoridi:'"

"Of any Correspondence with respect to 'Theodoridi,' or Memorandum of any representations made on behalf of the Convict:"

"And, of usual form, printed or lithographed, sent to the Judge who tried any convict on whose behalf any memorial may have been presented or representation made for his opinion."

In making the Motion, he might say that it was as much for the convenience of the right hon. Gentleman the Home Secretary as for his own that he moved for these Returns.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Memorial presented by or on behalf of the Convict 'Theodoridi:'"

"Of any Correspondence with respect to 'Theodoridi,' or Memorandum of any representations made on behalf of the Convict:"

"And, of usual form, printed or lithographed, sent to the Judge who tried any convict on whose behalf any memorial may have been presented or representation made for his opinion."

—(*Mr. Callan.*)

MR. ISAAC objected to the proposal.

MR. CALLAN said, that he could see no objection to the information for which he had asked being furnished, as it was necessary for the House to know the facts of the matter fully before it could come to any decision on the subject. It was his intention to bring the subject before the House at no very distant date.

MR. ASSHETON CROSS said, that he had already stated to the hon. Member privately, as he would now state to the House, that he had practically no Memorials or Papers which he could lay before the House. There had been no Papers or Memorials of any sort or kind which were suitable for laying before the House. He had already stated all the circumstances in connection with this case. As he had said, there was a difference between the case of Theodoridi and of the man who was convicted with him; and the difference was this—that in the case of Theodoridi the prosecutrix recommended him to mercy. In releasing this man, he did it only on condition that he should leave the country for good; and on condition that if the annoyance of which he had been guilty was repeated, he should again be brought before the Court—it was solely upon condition of his leaving the country and ceasing the annoyance, that Theodoridi was released at the request of the Turkish Ambassador. He thought that there had been some misapprehension with regard to this case, and that some of the lady's friends had thought that the fact of Theodoridi's being released had something to do with her. So far as the lady was concerned, however, there ought not to be the slightest idea entertained that the release of the convict had anything to do with her. From some letters having been mentioned in an earlier part of the case, he had some idea that they had better be given up, or they might be produced at some future time. But on his demanding them, as a condition of Theodoridi's release, he was assured that there were no such letters in existence. He had thought it right to ask the Treasury Solicitor whether there were any letters in the custody of Theodoridi which it might be desirable to get. The Treasury Solicitor said he did not think that Theodoridi had any letters; and unless he had had that assurance he should

never have assented to his release. He wished to make it clear to the lady's friends, however, that he did not attach any importance to those letters; but only desired that anything in the custody of the convict might be given up, in order to prevent any annoyance at a future period. Nothing was further from his intention than to give any pain to the lady or her friends, or to convey the slightest imputation upon her.

MR. MONK asked, whether he understood the right hon. Gentleman the Home Secretary to state that he had no Papers which he could lay upon the Table of the House? There was a strong feeling out-of-doors, originating with the Press, against this man Theodoridi being released, while his companion in crime, who was, perhaps, less guilty than he was, had been retained in prison. If the Turkish Ambassador probably not only called upon the right hon. Gentleman, but had communications with him, he thought that they should be laid upon the Table of the House; for, although Theodoridi was a stranger to this country, and of a different religion to the English people, that was not sufficient reason for his release. He should like to have some further information upon this matter—more particularly as to his right hon. Friend's reason for refusing to place upon the Table of the House such Papers as he had received upon the matter.

MR. ASSHETON CROSS said, that he had now stated to the House nothing but what he had said on previous occasions when questions were put to him with regard to this matter. There were no documents in relation to this convict which he should be justified in laying before the House. The only Papers relating to it were some letters which were private. The distinction between the case of Theodoridi and his fellow-convict was, that the lady who prosecuted in his case recommended him to mercy. The condition of his release was, as he had stated, that he should leave the country and never come back again, and should cease any annoyance; whereas no such assurance had been given by the other man.

Motion, by leave, withdrawn.

House adjourned at a quarter
after Two o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES

VOLUME CCXLVI.

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Moved to resolve—"1. That the military system of brigade depôts or sub-districts introduced in the year 1873 has proved a source of expense to this country incommensurate with its general results, and that steps should therefore be taken for their gradual absorption or diminution in number

"2. That the present state of our military organization is a source of immediate anxiety quite irrespective of the extreme youth of the regular forces of the Army occasioned by enlistment for short service; and that in view of the various reports on the subject of the several Committees already appointed by successive Secretaries of State for War, this House hears with concern the intimation that Her Majesty's Government are unprepared with any remedial measures without the preliminary investigation of a further additional Committee" (*The Earl of Galloway*) *May 26, 1205*; after short debate, Motion withdrawn

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BURT, Mr. T., *Morpeth*

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 pointment of Sir Garnet Wolseley as
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CAIRNS, Earl (*see* CHANCELLOR, The
 Lord)

CALLAN, Mr. P., *Dundalk*

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- Religious Disturbances at Omev Island, County Galway, 699, 690
- Ribandism, 1229, 1230, 1356
- Parliament—Business of the House, 1434, 1813
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- Africa, South—Zulu War—Re-inforcements—Condition of the Regiments, 676
- Army—Condition of the Army and Short Service System, Address for Papers, 1422, 1425

CAMERON, Dr. C., *Glasgow*

- Contagious Diseases (Animals) Act, 1870—Foreign Sheep, 13
- Education (Scotland) Act, 1878—Examination of High Class Schools, 1013
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CAMPBELL, Sir G., *Kirkcaldy, &c.*

- Africa, South—(Expenses of Military Operations)—Estimate of Expenditure, 1237, 1697
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- East India (Loan), Comm. 1199; Report, 1325, 1399; 2R. Motion for Adjournment, 1803, 1804
- Hypothec Abolition (Scotland), Consid. 1402
- India—East India Revenue Accounts—Financial Statement, 238; Comm. Motion for Adjournment, 1093, 1160, 1797
- Metropolis (Little Coram Street, Bloomsbury, Wells Street, Poplar, and Great Peter Street, Westminster,) Improvement Provisional Orders Confirmation, Comm. 1400
- Metropolis—Local Taxation, Motion for a Select Committee, 1826
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- Army Discipline and Regulation, Comm. cl. 32, 444
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- Metropolitan Water Supply and Fire Brigade, Report of Select Committee, Motion for Papers, 1127
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- Question, Mr. Macdonald; Answer, Mr. Bourke May 9, 12

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- Cathedral Statutes, 2R. 384

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- Africa, South—Zulu War—Re-inforcements—Condition of the Regiments, 684
- Army—Army Organization—Departmental Committee, 1907
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- Cathedral Statutes, 2R. 381, 388
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- Africa, South—Natal and the Transvaal—Appointment of Sir Garnet Wolseley as High Commissioner, 1329
- China—Ch-foo Convention, 1
- India—Bombay, Disturbances in, 794
- Straits Settlements, Administrator of the—Sultan of Johore, Motion for Papers, 1347

CARTWRIGHT, Mr. W. C., *Oxfordshire*

- France—Prolongation of the Treaty of Commerce, 1238
- Treaty of Berlin—Greek Frontier, 14

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(*The Lord Bishop of Carlisle*)

- l. Bill withdrawn, after short debate May 15, 381 (No. 4)

CAVENDISH, Lord F. C., *Yorkshire, W.R., N. Div.*

- Supply—Criminal Prosecutions—Sheriffs' Expenses, &c. 700

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CHAMBERLAIN, Mr. J., *Birmingham*

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CHAPLIN, Mr. H., *Lincolnshire, Mid.*

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CHARLEY, Mr. W. T., *Salford*

Hypothec Abolition (Scotland), Consid. 1405
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CHILDERS, Right Hon. H. C. E., *Pontefract*

Admiralty and War Office Regulation Act—
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Africa, South—Zulu War—Civil and Military
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Parliament—Public Business, Arrangement of,
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Children's Dangerous Performances Bill

[H.L.] (*The Earl De La Warr*)

1. Read 2^d, after short debate *May 23*, 1110
Committee *May 29*, 1407 (No. 64)

China—*The Chefoo Convention*

Question, Observations, The Earl of Carnarvon,
Lord Hammond, Lord Stanley of Alderley ;
Reply, The Marquess of Salisbury *May 9*, 1

Church of England—*The Chapter of York Cathedral—Case of the Rev. James Fleming*

Observations, Question, Lord Hampton ;
Reply, The Earl of Beaconsfield ; Observations,
The Archbishop of York *June 16*, 1887

Church of England—*Glebe Lands*

Moved for, "A Return from the Ecclesiastical
Commissioners and from the Governors of
Queen Anne's Bounty of all sales of lands
belonging to or held in trust for parochial
benefices or districts which have been effected
or assented to by them respectively during
the last ten years, specifying in each case the
amount of land sold, the rental of the same,
and the price obtained for it ; also the like
particulars of all cases in which sales have
been refused within the same period" (*The
Bishop of Peterborough*) *May 30*, 1427 ;
Motion agreed to

Church of Scotland Bill

(*Sir Alexander Gordon, Mr. Mackintosh*)

- c. Bill withdrawn * *June 16* [Bill 39]

City of London School Bill (Lords)

- c. Moved, "That the City of London School Bill
be referred to a Select Committee, Three to
be nominated by the House, and Two by the
Committee of Selection

"That all Petitions against the Bill, presented
on or before the 17th instant, be referred to
the Committee, and that such Petitioners as
pray to be heard by themselves, their Coun-
sel, or Agents, be heard upon their Petitions,
if they think fit, and Counsel heard in favour
of the Bill against such Petitioners

"That the Committee have power to send for
persons, papers, and records:—That Three
be the quorum" (*Mr. Raikes*) *May 13*, 231 ;
Motion agreed to

Coal Mines—*The Dinas Colliery Explosion*

Question, Mr. Macdonald ; Answer, Mr. Asshe-
ton Cross *June 13*, 1811

COCHRANE, Mr. A. D. W. R. *Baillie-Isle of Wight*

Africa, South—Zulu War, 1377
Hypothec Abolition (Scotland), Considered. 1401
Metropolis—Local Taxation, Motion for a
Select Committee, 1813, 1832

COGAN, Right Hon. W. H. F., *Kildare*

Law of Distress, Res. 63
University Education (Ireland), 1032

COLCHESTER, Lord

Turkey—Crete—Disturbances, 1408

COLE, Mr. H. T., *Penryn, &c.*

Law of Distress, Res. 71
Summary Jurisdiction, Comm. cl. 16, Amendt.
95, 96, 98 ; cl. 54, 221 ; cl. 55, Amendt. *ib.*
223 ; Considered. 1096, 1100 ; Schedule 1,
Amendt. 1108
Supply—Convict Establishments in England
and the Colonies, 745
Prisons in England and Wales, 1269, 1270

COLEBROOKE, Sir T. E., *Leamington, N.*

Supply—Law and Justice, Scotland, 1471
Register House, Edinburgh, 1471, 1478

COLTHURST, Colonel D. La Zouche, *Cork Co.*

Army Discipline and Regulation, Comm. cl. 32,
456 ; cl. 40, 592 ; cl. 42, 854
Army Estimates—Military Law, Administra-
tion of, 1942
Landlord and Tenant (Ireland) (No. 2), 28.
340

**Common Law Procedure and Judicature
Acts Amendment Bill**

(*Mr. Waddy, Mr. Wheelhouse, Mr. Ridley*)

- c. Ordered ; read 1^o * *May 14* [Bill 181]
Read 2^d, after short debate *May 23*, 1201
Committee *—R.P. *June 9*
Committee [House counted out] *June 12*, 1804
Committee * ; Report *June 16*

Consolidated Fund (No. 3) Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer,
Sir Henry Selwin-Ibbetson*)

- c. Ordered ; read 1^o * *May 16*
Read 2^o * *May 19*
Committee * ; Report *May 20*
Read 3^o * *May 21*
1. Read 1^o * (*Earl of Beaconsfield*) *May 23*
Read 2^o * ; Committee negatived ; read 3^o
May 26
Royal Assent *May 27* [42 Vict. c. 14]

**Conspiracy and Protection of Property Act,
1875—"Besetting"**

Question, Mr. Burt ; Answer, Mr. Assheton
Cross *May 22*, 1907

Contagious Diseases Acts

Select Committee appointed, "to inquire into the Contagious Diseases Acts, 1866—1869, their administration, operation, and effect" June 11; List of the Committee, 1895

Contagious Diseases (Animals) Acts

Cattle from the United States, Question, Mr. Mundella; Answer, Lord George Hamilton May 12, 128

Foreign Sheep, Question, Dr. Cameron; Answer Lord George Hamilton May 9, 13

Contagious Diseases (Animals) Act, 1878

American Pigs, Question, The Earl of Belmore; Answer, The Duke of Richmond and Gordon May 29, 1406

Convention (Ireland) Act Repeal (No. 2) Bill
(*The Lord O'Hagan*)

l. Read 1st May 9 (No. 77)
Read 2nd May 30, 1428
Committee: Report June 16, 1898

Conveyancing and Land Transfer (Scotland) Act (1874) Amendment Bill

(*Mr. Yeaman, Mr. Baxter, Dr. Cameron*)

c. Ordered; read 1st May 26 [Bill 198]
Read 2nd June 10

CONYNGHAM, Lord F. N., *Clare*

Landlord and Tenant (Ireland) (No. 2), 2R. 347
Reproductive Loan Fund (Ireland)—Loans to Clare Fishermen, 1912

Coolies—Jamaica

Question, Mr. Macdonald; Answer, Sir Michael Hicks-Beach June 16, 1912

Copyright, Law of—Legislation

Question, Mr. Hanbury-Tracy; Answer, Lord John Manners June 12, 1706

CORRY, Mr. J. P., *Belfast*

Belfast Water, Consid. 566

Costs Taxation (House of Commons) Bill

(*Mr. Raikes, Mr. Mowbray*)

c. Ordered; read 1st May 19 [Bill 190]
Read 2nd May 22, 1109
Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" May 23, 1202; Moved, "That the Debate be now adjourned" (*Mr. James*); after short debate, Question put; A. 21, N. 41; M. 20 (D. L. 110)
Main Question, "That Mr. Speaker, &c." put, and agreed to; Committee; Report
Read 3rd May 26
l. Read 1st (Lord President) May 27 (No. 99)
Read 2nd June 13
Committee*; Report June 18

COTTON, Mr. Alderman W. J. R., *London*
Landlord and Tenant (Ireland) (No. 2), 2R. 346

County Courts (No. 2) Bill [H.L.]

(*Mr. Attorney General*)

c. Read 1st May 19 [Bill 191]

COURTNEY, Mr. L. H., *Liskeard*

Africa, South—Miscellaneous Questions
Sir Bartle Frere, 1364

Transvaal, 1919

Zulu War, 1380

Costs Taxation (House of Commons), Comm. 1203

Customs and Inland Revenue, Comm. *cl.* 15, 1519, 1526; *cl.* 23, 1877

England, North of—New University—Issue of a Charter, 698

Law of Distress, Res. 81

Prerogative of the Crown, Res. 251

Summary Jurisdiction, Comm. *cl.* 16, 98

Supreme Court of Judicature Acts Amendment, Comm. 1541

Trustees Relief, 2R. 507

University Education (Ireland), Leave, 495, 503

COURTOWN, Earl of

Hares (Ireland), Comm. 1897

Courts of Justice Building Act (1865) Amendment Bill

(*Sir Henry Selwin-Ibbetson, Mr. Gerard Noel*)

c. Read 2nd, after short debate May 12, 2 [Bill 156]
Increase of Fees upon Suitors, Question, Mr. Herschell; Answer, Sir Henry Selwin-Ibbetson May 19, 696

Courts of Justice Building Act (1865) Amendment [Expenses]

Considered in Committee May 16

COWEN, Mr. J., *Newcastle-on-Tyne*

Supply—Stationery, &c. 141

CRANBROOK, Viscount (Secretary of State for India)

Africa, South—Zulu War—Re-inforcements—Condition of the Regiments, 681

Army—Army Organization—Departmental Committee, 1905

Army—Condition of the Army and Short Service System, Address for Papers, 1426

India—Afghanistan—Peace Negotiations, 655, 1204

Bombay, Disturbances in, 795

India—Telegraphic Communication with India, Address for Papers, 822

Criminal Code (Indictable Offences) Bill

(*Mr. Attorney General, Mr. Secretary Cross, Mr. Solicitor General, Mr. Attorney General for Ireland*)

- c. Committee * ; Report May 12 [Bill 170]
Repeal of Statutes, Question, Mr. Anderson ; Answer, The Attorney General May 28, 1238
Report of the Commissioners, Question, Sir Henry James ; Answer, The Attorney General June 12, 1719
Memorandum of the Lord Chief Justice, Questions, Mr. Herschell, Mr. Wheelhouse ; Answers, The Attorney General, Mr. Assheton Cross June 16, 1915

CRIMINAL LAW**MISCELLANEOUS QUESTIONS**

- Alleged Cruelty at Hanley*, Question, Earl Percy ; Answer, Mr. Assheton Cross May 9, 11
Capital Punishment Amendment Act, 1868—*Execution of Catherine Churchill at Taunton*—*Admission of the Press*, Question, Observations, Lord Houghton ; Reply, Earl Beauchamp ; short debate thereon May 29, 1412
Case of Edmund Galley, Questions, Sir Eardley Wilmot ; Answers, Mr. Assheton Cross May 9, 16 ; Question, Mr. Hopwood ; Answer, Mr. Assheton Cross May 27, 1355
Case of — Ryan, Question, Mr. Sullivan ; Answer, Mr. J. Lowther June 13, 1312
Case of John Stanley, Question, Mr. P. A. Taylor ; Answer, Sir Matthew White Ridley May 13, 231
Circulation of Disgusting Literature, Question, Mr. O'Donnell ; Answer, Mr. Assheton Cross June 12, 1718
Manslaughter of a Game-watcher—The Sentence, Question, Mr. P. A. Taylor ; Answer, Mr. Assheton Cross May 15, 392

Criminal Law—The Convict "Theodoridi"
 Moved, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Memorial presented by or on behalf of the Convict 'Theodoridi' "

- "Of any Correspondence with respect to 'Theodoridi,' or Memorandum of any representations made on behalf of the Convict
 "And, of usual form, printed or lithographed, sent to the Judge who tried any convict on whose behalf any memorial may have been presented or representation made for his opinion" (*Mr. Callan*) June 16, 2030 ; after short debate, Motion withdrawn

CROSS, Right Hon. R. A. (Secretary of State for the Home Department), *Lancashire, S.W.*

- Army Discipline and Regulation, Comm. cl. 44, 860, 861, 862, 863, 865
 Artizans' Dwellings Act, 1868—Private Burying Grounds, 1721
 Conspiracy and Protection of Property Act, 1875—"Besetting," 1008
 Criminal Code—Memorandum of the Lord Chief Justice, 1915

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CROSS, Right Hon. R. A.—cont.

Criminal Law—Miscellaneous Questions

- Circulation of Disgusting Literature*, 1718
Edmund Galley, Case of, 16, 1356
Hanley, Alleged Cruelty at, 11
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Criminal Law—Theodoridi, The Convict, Motion for an Address, 2031, 2032

Inclosure Provisional Order (Maltby Lands), 2R. 2029

Lunacy Laws, 1012

Metropolis—Open Spaces, 570

Metropolis—Local Taxation, Motion for a Select Committee, 1829

Mines—Miscellaneous Questions

- Dinas Colliery Explosion*, 1812
Mine Inspectors' Reports, 1137
Mines Regulation Act, 1872—Inspection of Coal Mines, 1808

Royal Commission on Accidents in—Exclusion of the Press and Constitution of the Commission, 1137, 1138

Parliament—Business of the House, 19

Prerogative of the Crown, Res. 320

"Princess Alice" Calamity—Proceedings at the Inquest, 1353

Prisons Act—Perth Prison, 17

Salmon Disease (England and Scotland), 1352

Summary Jurisdiction, Comm. cl. 5, 88 ; cl. 7, 89 ; cl. 8, ib. ; cl. 9, Amendt. 90 ; cl. 10, 92 ; cl. 11, 94 ; cl. 16, 96, 98 ; cl. 22, 99 ; cl. 23, 214 ; cl. 29, ib. ; cl. 39, Amendt. 215 ; cl. 56, 222 ; Schedule 1, 224 ; Consid. 1096, 1103, 1106, 1107, 1108

Supply—Broadmoor Criminal Lunatic Asylum, 1454, 1458

Convict Establishments in England and the Colonies, 744, 748, 752, 753, 755, 756

Courts of Law and Justice, Scotland, 1467, 1470

Lord Advocate, &c. Scotland, 1461

Prison Commissioners for Scotland, &c.

1486, 1487, 1488, 1439, 1490, 1491

Prisons in England and Wales, 1263, 1269,

1270, 1273, 1296, 1301, 1302, 1311, 1316, 1318, 1321

Register House, Edinburgh, 1479, 1484

Unreformed Municipal Corporations—Report of the Commission, 1720

Wellington College—The Commission, 1362

CROSS, Mr. J. K., Bolton

India—East India Revenue Accounts—Financial Statement, Comm. Motion for Adjournment, 1197, 1724, 1727, 1794

CUNINGHAME, Sir W. J. M., Ayr, &c.
Army Discipline and Regulation, Comm. cl. 42, 845 ; cl. 44, Amendt. 1565

Customs and Inland Revenue Bill

(*Mr. Raikes, Mr. Chancellor of the Exchequer—Sir Henry Selwin-Ibbetson*)

- c. Question, Mr. Thomson Hankey ; Answer, The Chancellor of the Exchequer May 9, 19
 Moved, "That the Bill be now read 2"
 May 19, 756

[cont.]

Customs and Inland Revenue Bill—cont.

Amend. to leave out from "That," and add "this House will not recognize or accept as binding any Treaty or other engagements entered into by Her Majesty's Ministers which might forestall or limit the control of this House over the financial resources and taxation of this Country, until full information as to such contemplated engagements has been laid upon the Table of this House, and this House shall have had the opportunity of expressing an opinion thereon" (*Mr. Newdegate*) v.; Question proposed, "That the words, &c.," after debate, Motion withdrawn

Main Question put, and agreed to; Bill read 2^o Committee—*a.p.* *May* 20, 887 [Bill 150]
Committee—*a.p.* *June* 9, 1518
Committee; Report *June* 13, 1875
Considered *June* 16, 2027

Customs Department

The Re-organization Scheme, Questions, *Mr. Ritchie*, *Mr. Pease*; Answers, *Sir Henry Selwin-Ibbetson* *May* 15, 393; Question, *Mr. Sullivan*; Answer, *Sir Henry Selwin-Ibbetson* *June* 12, 1703
The Tea and East India Departments—Defective Sanitary Arrangements, Questions, *Mr. Fawcett*; Answers, *Sir Henry Selwin-Ibbetson* *May* 19, 695; *June* 10, 1549

Cyprus

Administration of the Government, Questions, *Sir Julian Goldsmid*; Answers, *The Chancellor of the Exchequer* *May* 27, 1354; Question, *Sir Julian Goldsmid*; Answer, *Mr. Bourke* *June* 10, 1550

Administration of Justice—Ordinances of the Legislative Council, Questions, *Sir Charles W. Dilke*; Answers, *Mr. Bourke* *May* 15, 399; *May* 27, 1360; *June* 16, 1908;—*Punishment of Priests*, Question, *Mr. Justin McCarthy*; Answer, *Mr. Bourke* *June* 13, 1809

Revenue and Expenditure Accounts, Question, *Mr. Dodson*; Answer, *Mr. Bourke* *June* 12, 1705

The New Coinage, Question, *Mr. Thomson Hankey*; Answer, *The Chancellor of the Exchequer* *June* 12, 1705

DALRYMPLE, Mr. C., Buteshire

Post Office—China Mails, 1007

Debtors Act (1869) Amendment Bill

Question, *Mr. M. T. Bass*; Answer, *The Attorney General* *June* 12, 1719

DE LA WARR, Earl

Children's Dangerous Performances, 2R. 1110; Comm. 1408

Workmen's Compensation, 2R. 120

DENISON, Mr. C. BECKETT-, Yorkshire, W.R., E. Div.

France, Commercial Treaty with, 18

India—East India Revenue Accounts—Financial Statement, Comm. 1800

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DENISON, Mr. C. BECKETT—cont.

Metropolis—Local Taxation, Motion for a Select Committee, 1824

Parliament—Rules and Practice of the House, 1362

Railways—Railway Accidents—Adoption of Continuous Brakes, 1855

DENMAN, Lord

Disqualification by Medical Relief, Comm. 1340

Metropolitan Water Supply and Fire Brigade, Report of Select Committee, Motion for Papers, 1124

DERBY, Earl of

Tenant Right (Ireland), 2R. 809

DILKE, Sir C. W., Chelsea, &c.

Africa, South—Civil and Military Command^o, Explanation, 1264

Zulu War, 1383;—Royal Marines, 1019

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- a. Bill ordered; read 1* * *May 26* [Bill 197]
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 Moved, "That the Debate be now adjourned"
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- L.* Read 3^a * May 9 (No. 48)
c. Read 1^o * (*Lord George Hamilton*) May 13
 Read 2^o * May 20 [Bill 177]
 Committee * ; Report May 27
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- c.* Read 1^o * May 13 [Bill 176]
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l. Read 1^o (Lord Henniker) May 27 (No. 101)
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Treaty of Berlin—Article 22—Occupation of Bulgaria and Eastern Roumelia, Motion for Correspondence, 663

Hours of Polling (Boroughs) Bill

(Mr. Chamberlain, Sir Charles W. Dilke, Dr. Cameron, Major Nolan, Mr. Mundella, Mr. Rathbone, Mr. Henry Samuelson) [Bill 11]

c. Moved, "That the Bill be now read 2^o" June 11, 1850

Amendt. to leave out "now," and add "upon this day three months" (Mr. Assheton); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 165, N. 190; M. 25 (D. L. 117)

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

3 X 2

[*cont.*

HUBBARD, Right Hon. J. G., London
Annual Financial Statement, 1697
Customs and Inland Revenue, 2R. 776; Comm.
add. cl. 1884, 1885
Elementary Education Acts — Buckingham
School Board, 1017
India—East India Revenue Accounts—Finan-
cial Statement, Comm. 1736
Valuation of Lands and Assessments (Scotland),
Comm. Motion for reporting Progress, 783,
785, 786; cl. 5, 787

HUNTLY, Marquess of
Racecourses (Metropolis), 2R. 116, 117

HUTCHINSON, Mr. J. D., Halifax
Prerogative of the Crown, Res. 289

Hypothec Abolition (Scotland) Bill
(*Mr. Vans Agnew, Mr. Baillie Hamilton, Sir
George Douglas, Colonel Alexander*)
c. Consideration, as amended, deferred May 16,
850 [Bill 119]
Moved "That the Bill, as amended, be now
taken into Consideration" May 27, 1401;
after short debate, Moved, "That the De-
bate be now adjourned" (*Mr. Ernest Noel*);
after further short debate, Debate adjourned

INOCHQUIN, Lord
Tenant Right (Ireland), 2R. 809

**Inclosure Provisional Order (East Stain-
more Common) Bill**
(*Sir Matthew Ridley, Mr. Secretary Cross*)
c. Ordered; read 1st May 12 [Bill 174]
Read 2nd May 26
Committee*; Report June 9
Read 3rd June 10
l. Read 1st (*The Lord Steward*) June 13
(No. 108)

**Inclosure Provisional Order (Maltby
Lands) Bill**
(*Sir Matthew Ridley, Mr. Secretary Cross*)
c. Ordered; read 1st May 12 [Bill 173]
2R. deferred, after short debate June 16, 2029

**Inclosure Provisional Order (Matterdale
Common) Bill**
(*Sir Matthew Ridley, Mr. Secretary Cross*)
c. Ordered; read 1st May 12 [Bill 171]
Read 2nd May 26
Committee*; Report June 9
Read 3rd June 10
l. Read 1st (*The Lord Steward*) June 13
(No. 107)

**Inclosure Provisional Order (Redmoor
and Golberdon Commons) Bill**
(*Sir Matthew Ridley, Mr. Secretary Cross*)
c. Ordered; read 1st May 12 [Bill 172]
Read 2nd May 26
Committee*; Report June 9
Read 3rd June 10
l. Read 1st (*The Lord Steward*) June 13
(No. 109)

**Inclosure Provisional Order (Whitting-
ton Common) Bill**
(*Sir Matthew Ridley, Mr. Secretary Cross*)
c. Ordered; read 1st June 13 [Bill 207]

INDIA

MISCELLANEOUS QUESTIONS

*Disturbances in Bombay, Observations, Que-
tion, The Earl of Carnarvon; Reply, Vis-
count Cranbrook May 20, 794; Question,
Mr. Hanbury; Answer, Mr. E. Stanhope
May 22, 1008*

*East India (Duties on Cotton Goods)—Govern-
ment of India Act, 1858, Question, Sir
William Harcourt; Answer, The Chancellor
of the Exchequer May 13, 233*

*India Famine Commission, Question, General
Sir George Balfour; Answer, Mr. E. Stan-
hope May 12, 125*

*Kirwee Prizes Money, Question, General Shute;
Answer, Mr. E. Stanhope June 12, 1701*

*Return of Ecclesiastical Salaries, Question,
Mr. Baxter; Answer, Mr. E. Stanhope
June 9, 1430*

*Taylor, Petition of Mr. William—Sir Frede-
rick Halliday, Questions, Mr. Staveley Hill,
Sir Eardley Wilmot; Answers, Mr. E. Stan-
hope June 16, 1910*

*The Four-and-a-half per cent Loan Allotment,
Question, Sir Charles Mills; Answer, Mr.
E. Stanhope May 19, 694*

*Village "Panchayets" or Courts of Arbitra-
tion, Question, Mr. Campbell-Bannerman;
Answer, Mr. E. Stanhope May 20, 835*

India — Finance, &c. — The Vernacular Press—British Indian Association

Amendt. on Committee of Supply May 23, To
leave out from "That," and add "this House
regrets that Lord Lytton and his advisers
have shown such unwise disrespect for the
sentiments of a vast population, which is at
the same time deprived of all constitutional
representation, and subject to a harsh and
grinding taxation of the most oppressive
kind" (*Mr. O'Donnell*) v. 1142; Question
proposed, "That the words, &c.:" after
short debate, Question put; A. 215, N. 36;
M. 179 (D. L. 109)

India (Finance, &c.)—East India Revenue Accounts—Financial Statement

Questions, Observations, Mr. Fawcett; Re-
plies, The Chancellor of the Exchequer, Mr.
Speaker May 12, 129; Observations, Que-
tion, The Marquess of Hartington; Reply,
The Chancellor of the Exchequer; Obser-
vations, Sir George Campbell May 13, 237

Ordered, That the several Accounts and Papers
which have been presented to this House in
this Session of Parliament, relating to the
Revenues of India, be referred to the con-
sideration of a Committee of the whole House
(*Mr. Edward Stanhope*) May 13; Com-
mittee thereupon upon Thursday 22nd May
Order for Committee read; Moved, "That Mr.
Speaker do now leave the Chair" (*Mr. E.
Stanhope*) May 22, 1040

[cont.]

India (Finance, &c.)—East India Revenue Accounts—Financial Statement—cont.

Amendt. to leave out from "That," and add "this House, regarding with apprehension the present state of Indian Finance, approves the decision to reduce Expenditure" (*Mr. Fanezett*) v.; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

Question again proposed, "That Mr. Speaker do now leave the Chair;" Moved, "That the Debate be now adjourned" (*Sir George Campbell*); Motion agreed to

Debate resumed *May 23, 1160*; after long debate, Moved, "That the Debate be now adjourned" (*Mr. J. K. Cross*); after further short debate, Motion agreed to

Debate resumed *June 12, 1724*; after long debate, Question put, and agreed to

Accounts considered in Committee, 1795

After further short debate, Resolved, That it appears by the Accounts laid before this House that the Ordinary Revenue of India for the year ending the 31st day of March 1878 was £51,795,866; the Revenue from Productive Public Works, including the Net Traffic Receipts from Guaranteed Companies, was £7,173,435, making the total Revenue of India for that year £58,969,301; that the Ordinary Expenditure in India and in England, including Charges for the Collection of the Revenue, for Ordinary Public Works, and for Interest on Debt exclusive of that for Productive Public Works, was £55,147,832; the Expenditure on Productive Public Works (Working Expenses and Interest), including the payments to Guaranteed Companies for Interest and Surplus Profits, was £7,364,558, making a total Charge for that year of £62,512,388; that there was an excess of Expenditure over Income in that year amounting to £3,543,087; and that the Capital Expenditure on Productive Public Works in the same year was £4,791,052

Resolution reported *June 16*

Petitions presented, Mr. John Bright, Mr. Gladstone *June 12, 1723*

India (Finance, &c.)—East India [Loan]

Considered in Committee

Moved, "That it is expedient to authorise the Secretary of State in Council of India to raise in the United Kingdom any sum or sums of money, not exceeding £10,000,000, for the service of the Government of India on the security of the Revenues of India" (*Mr. E. Stanhope*) *May 23, 11*

Amendt. to leave out "£10,000,000," and insert "£5,000,000" (*Mr. Edward Stanhope*) v.; Question proposed, "That '£10,000,000' stand part of the proposed Resolution;" after short debate, Question put, and negatived

Question, "That '£5,000,000' be inserted, instead thereof," put, and agreed to

Main Question, as amended, put, and agreed to Resolution reported *May 26, 1325*; after short debate, Resolution agreed to

[See title *East India Loan (£5,000,000 Bill)*]

India (Finance, &c.)—East India Loan [Consolidated Fund]

Considered in Committee *May 26*

Resolved, That it is expedient to authorise the Commissioners of Her Majesty's Treasury to issue, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the sum of two million pounds sterling, during the year ending on the 31st day of March 1880, by way of Loan, to the Secretary of State in Council of India

Resolution reported *May 27, 1300*; after short debate, Resolution agreed to

[See title *East India Loan (Consolidated Fund) Bill*]

India—Telegraphic Communication with India

Moved that an humble Address be presented to Her Majesty for Copies of any minutes or memoranda by the Secretary of State for India, or by Members of Council, in 1873, on the subject of telegraphic communications with the Government of India (*The Duke of Argyll*) *May 20, 830*; after short debate, Motion agreed to

Indian Marine Bill

(*Mr. Edward Stanhope, Mr. John G. Talbot*)

c. Ordered; read 1^o *May 14* [Bill 189]

Moved, "That the Bill be now read 2^o" *May 19, 791*

Moved, "That the Debate be now adjourned" (*Mr. Whitwell*); after short debate, Question put, and agreed to; Debate adjourned

Debate resumed *June 16, 2038*; after short debate, Question put, and agreed to; Bill read 2^o

Intoxicating Liquors (Ireland) Bill

Question, Mr. O'Shaughnessy; Answer, Mr. Sullivan *May 15, 396*

The Adjourned Debate, Observations, Mr. Callan, Mr. Speaker *May 23, 1201*,

IRELAND

MISCELLANEOUS QUESTIONS

Board of Works—Carrick-on-Suir Bridge, Question, Mr. A. Moore; Answer, Mr. J. Lowther *May 22, 1014*; Observations, Mr. O'Donnell; short debate thereon *June 13, 1873*

College of Science, Dublin—Professor Galloway, Question, Mr. Lyon Playfair; Answer, Lord George Hamilton *May 15, 391*

Constabulary—Case of Sub-Constable Joyce, Question, Major O'Beirne; Answer, Mr. J. Lowther *May 12, 122*

Criminal Law—The Dungarvan Magistrates, Questions, Mr. O'Donnell; Answers, Mr. J. Lowther *May 22, 1004*

Fisheries of Sligo and the Bonet River, The, Question, Major O'Beirne; Answer, Mr. J. Lowther *June 16, 1909*

Forcible Dispersion of a Meeting at Cookstown, Questions, Mr. Callan; Answers, Mr. J. Lowther *June 16, 1916*

High Court of Justice—Business in the Chancery Division, Question, Mr. Sullivan; Answer, The Attorney General for Ireland *June 12, 1768*

[cc

IRELAND—cont.

Irish Church Mission—Distribution of Tracts. Questions, Mr. O'Donnell; Answers, Mr. J. Lowther, The Attorney General for Ireland May 26, 1230

*Irish Church Temporalities Commissioners—*Mr. Ball, Questions, Mr. Sullivan; Answer, The Chancellor of the Exchequer May 15, 895

Irish Prisons Board—Infirmary Surgeons, Question, Mr. Errington; Answer, Mr. J. Lowther May 23, 1139

National School Teachers—Legislation, Question, Sir Joseph McKenna; Answer, Mr. J. Lowther May 27, 1356

Poor Law

Blessington Dispensary (Naas Union) Medical Officer, Question, Mr. Parnell; Answer, Mr. J. Lowther May 26, 1236

Monaghan Board of Guardians, Questions, Mr. Callan, Mr. Newdegate; Answers, Mr. J. Lowther May 27, 1358; Question, Mr. Callan; Answer, Mr. J. Lowther June 9, 1431

Post Office—Telegraph Clerks, Question, Mr. M. Brooks; Answer, Lord John Manners May 12, 121

Prisons—Religious Denominations, Question, Mr. Biggar; Answer, Mr. J. Lowther June 13, 1809

Public Health Act—Loans for Paving Works in Dublin, Question, Mr. M. Brooks; Answer, Mr. J. Lowther May 23, 1135

Registrars of County Courts, Question, Mr. Meldon; Answer, The Attorney General for Ireland June 16, 1918

Religious Disturbances at Omev Island, County Galway, Questions, Observations, Mr. Errington, Mr. Macartney, Mr. O'Donnell; Replies, Mr. Speaker, Mr. J. Lowther May 19, 636

Reproductive Loan Fund—Loans to Clare Fishermen, Question, Lord Francis Conyngham; Answer, Mr. J. Lowther June 16, 1912

Ribbonism—Tyrone, Questions, Mr. Verner, Mr. Mitchell Henry, Mr. Callan; Answers, Mr. J. Lowther May 26, 1228; Question, Mr. Callan; Answer, Mr. J. Lowther May 27, 1356

Supply—Vote 35, Class 2—Vote for Chief Secretary's Office, Question, Major O'Beirne; Answer, Sir Henry Selwin-Ibbetson June 16, 1912

The Netterville Trust Property—The Louth Institution, Observations, Mr. Kirk; Reply, The Attorney General for Ireland; short debate thereon May 23, 1146

Ireland—Agricultural Depression

Moved, "That this House, at its rising, do adjourn until Monday 9th June" May 27, 1382

Amendt. to leave out "9th," and insert "2nd" (Mr. O'Donnell) v.; Question proposed, "That '9th' stand part of the Question;" after short debate, Amendt. withdrawn
Original Question put, and agreed to

Ireland—Landed Estates Court

Moved, for, I. Return (in continuation of No. 238, 1876,) showing (1) in Provinces, and (2) in Counties, the Landed Estates held either in fee, fee farm, for lives renewable for ever, or for terms of years of which sixty shall have been unexpired, sold in one or more lots in the Landed Estates Court for each of the years ending respectively 31st December, 1876, 1877, and 1878, giving the following particulars in each of the foregoing periods [and other details]

II. Return, in Provinces and Counties, of Estates sold during the years 1876, 1877, and 1878 in one or more lots in the Landed Estates Court under Part III. of the Landlord and Tenant (Ireland) Act, 1870, in which charging orders have been made in favour of the Board of Works, giving in each case the same particulars as in Return No. I (*The Duke of Argyll*) May 19, 664; Motion agreed to

Ireland—Volunteer Corps (Ireland) [Pay and Allowances, &c.]

Considered in Committee; Resolution thereon May 16, 652

ISAAC, Mr. S., Nottingham

Sugar Industries, Nomination of Select Committee, 925

Supply—Lord Lieutenant of Ireland, &c. 196
Theodoridi, The Convict, Motion for an Address, 2031

Italy—The Italian Police

Question, Sir Eardley Wilmot; Answer, Mr. Bourke June 10, 1548

JAMES, Sir H., Taunton

Army Discipline and Regulation, Comm. cl. 38, 473; cl. 40, 584, 598, 597; cl. 41, Amendt. ib., 598, 600, 601, 603; cl. 42, 846, 847; cl. 44, 1568, 1577

Criminal Code (Indictable Offences)—Report of the Commissioners, 1719

Noxious Gases, 2R. Motion for Adjournment, 646, 647

Summary Jurisdiction, Comm. cl. 7, Amendt. 89; cl. 9, Amendt. 90; cl. 11, 94; Amendt. ib.; cl. 16, 96; cl. 29, 215; cl. 43, Amendt. ib.; cl. 54, 218; cl. 55, 223; Consid. 1100, 1105, 1107

JAMES, Mr. W. H., Gateshead

Africa, South—Zulu War—Transport Service in Natal, 838, 839

Costs Taxation (House of Commons), Comm. Motion for Adjournment, 1202

Open Spaces (Metropolis), 569

Railways—The Board of Inland Revenue—Season Tickets, 1548

Supply—Reformatory, Industrial, &c. Schools, 1436

JENKINS, Mr. D. J., Penryn, &c.

Admiralty—Director of Naval Construction, 1359

JENKINS, Mr. E., Dundee

Army Discipline and Regulation, Comm. cl. 30, 422; cl. 31, Amendt. 433, 434, 435; cl. 32, 437, 446, 447, 452, 458, 460, 461; Amendt. 462; cl. 34, 463; cl. 36, 466; Motion for reporting Progress, 471; cl. 38, 573; cl. 39, 577; cl. 40, 579, 581; Motion for reporting Progress, 585, 586

Egypt—Dismissal of Mr. Rivers Wilson and M. de Blignières, 236

Medical Act (1858) Amendment (No. 3), 2R. 506

Parliament—Public Business, Arrangement of, 404

Prerogative of the Crown—Notice of Motion, 121, 240; Res. 296

Supply—Local Taxation in Scotland, 188
Lord Lieutenant of Ireland, &c. Amendt. 193, 198

JERRIS, Colonel H. J. W., Harwich

Felixstowe Railway and Pier, 2R. Amendt. 1543, 1547

JOHNSTONE, Sir H., Scarborough

University Education (Ireland), 2R. 1001

KAVANAGH, Mr. A. M., Carlow Co.

University Education (Ireland), Leave, 492; 2R. 956

KAY-SHUTTLEWORTH, Sir U. J., Hastings

Army Estimates—Volunteer Corps, 2013

KIMBERLEY, Earl of

Africa, South—Natal and the Transvaal—Appointment of Sir Garnet Wolseley as High Commissioner, 1205, 1331

Children's Dangerous Performances, Comm. 1407

Foreign Policy of Her Majesty's Government, 551, 553

Hares (Ireland), 2R. 1417; Comm. 1897

West Donegal Railway, Comm. 1335

KINGSCOTE, Colonel R. N. F. Gloucestershire, W.

Salmon Fishery Law Amendment (No. 2), 2R. 2030

KIRK, Mr. G. H., Louth

Netterville Trust Property—The Louth Institution, 1146

KNATCHBULL-HUGESSEN, Right Hon. E. H., Sandwich

Africa, South—Zulu War, 1366, 1380

Brewers' Licences, Motion for a Select Committee, 616, 626

Navy—Pensions of Sergeants of Royal Marines, 1706

Parliament—Public Business, Arrangement of, 404

KNIGHTLEY, Sir R., Northamptonshire, S.

Summary Jurisdiction, Comm. cl. 54, 221

KNOWLES, Mr. T., Wigan

Railways—Railway Accidents—Adoption of Continuous Brakes, 1849

LAING, Mr. S., Orkney, &c.

India—East India Revenue Accounts—Financial Statement, Comm. 1085, 1799

Treaty of Berlin—Greek Frontier, 1005

Land Drainage Provisional Order (Bishopham, &c.) Bill (Lord President)

1. Committee*; Report May 9 (No. 65)

Read 3^d May 12

Royal Assent May 23 [42 Vict. c. xli]

Landlord and Tenant (Ireland) (No. 2) Bill

(Mr. Downing, Mr. Butt, Mr. Shaw)

c. Moved, "That the Bill be now read 2^o" May 14, 1899

Amendt. to leave out "now," and add "upon this day six months" (Sir Sydney Waterlow); Question proposed, "That 'now,' &c.;" after long debate, Question put; A. 91, N. 263; M. 172 (D. L. 93)

Words added; main Question, as amended, put, and agreed to; 2R. put off for six months [Bill 51]

LANDSDOWNE, Marquess of

Africa, South—Zulu War—Re-inforcements—Condition of the Regiments, 679

Law of Distress

Amendt. on Committee of Supply May 9, To leave out from "That," and add "it is desirable that the power of distraint for the rent of agricultural holdings in England, Wales, and Ireland should be abolished" (Mr. Blennerhassett) v., 20; Question proposed, "That the words, &c.;" after long debate, Question put; A. 202, N. 92; M. 110 (D. L. 84)

Legislation, Question, Colonel Barne; Answer, The Chancellor of the Exchequer May 15, 400

LAWRENCE, Lord

India—Telegraphic Communication with India, Address for Papers, 824

LAWRENCE, Sir J. J. T., Surrey, Mid.

Metropolitan Bridges, 135

LAWSON, Sir W., Carlisle

Africa, South—Zulu War—Miscellaneous Questions

Detention of Messengers, 1432

Overtures of Peace, 1810

Returns of Killed, &c. 1352

Brewers' Licences, Motion for a Select Committee, 641

Customs and Inland Revenue 2R. 767

Hares (Ireland), 2R. 506

Spirits, Leave, 1541

LEEMAN, Mr. G., York

Railways—Railway Accidents—Adoption of Continuous Brakes, 1850

LEFEVRE, Mr. G. J. Shaw, *Reading*
Customs and Inland Revenue, Comm. cl. 15,
1531, 1532

LEIGHTON, Sir B., *Shropshire, S.*
London School Board Expenditure, Res. 1618
Supply—Prisons in England and Wales, 1274

LEIGHTON, Mr. S., *Shropshire, N.*
Customs and Inland Revenue, Comm. cl. 23,
Amendt. 1876, 1881

LESLIE, Sir J., *Monaghan*
Landlord and Tenant (Ireland) (No. 2), 2R.
363

Licensing Laws Amendment Bill
(*Mr. Staveley Hill, Mr. Mundella, Mr. Rodwell*)

c. Order read, for resuming Adjourned Debate on
Amendt. proposed to Question [17th April],
"That the Bill be now read 2°;" and which
Amendt. was, to leave out "now," and add
"upon this day six months" (*Sir Harcourt*
Johnstone); Question again proposed; De-
bate resumed May 16, 651
Question put; A. 48, N. 30; M. 18 (D. L. 101)
Main Question put, and agreed to; Bill read 2°
[Bill 25]

LIFFORD, Viscount
Tenant Right (Ireland), 2R. Amendt. 798
West Donegal Railway, Comm. 1335

LIMERICK, Earl of
Army—Brigade Depot System, Res. 1224

**LINDSAY, Colonel R. J. Loyd (Financial
Secretary for War), *Berkshire***
Africa, South—Zulu War—Miscellaneous Ques-
tions
Railways, 131
60th Rifles—Court Martial, 123
Surgeon Major Reynolds, 123
Army Estimates—Medical Establishments, &c.
1967
Volunteer Corps, 2016
Wormwood Scrubs Regulation, Nomination of
a Select Committee, 326

**Linen and Hempen Manufactures (Ire-
land) Bill** (*Mr. James Lowther, Mr.*
Attorney General for Ireland)

c. Acts read; considered in Committee; Resolu-
tion agreed to, and reported; Bill ordered;
read 1° June 9 [Bill 202]

LLOYD, Mr. M., *Beaumaris*
Army Discipline and Regulation, Comm. cl. 40,
594; cl. 44, 859, 861
Summary Jurisdiction, Comm. cl. 54, 219;
cl. 55, 223; Consid. Amendt. 1093; Sche-
dule 1, Amendt. 1107
Supply—Land Registry, 713

LLOYD, Mr. S. S., *Plymouth*
Customs and Inland Revenue, Comm. cl. 15,
1520, 1527
Education Department—Teachers' Salaries, 401
India—East India Revenue Accounts—Finan-
cial Statement, Comm. 1088

Lloyds' Patriotic Fund
Question, Sir Henry Havelock; Answer, Lord
George Hamilton May 16, 570

**Local Government (Highways) Provi-
sional Orders (Buckingham, &c.) Bill**
(*Mr. Salt, Mr. Selater-Booth*)

c. Read 2° May 14 [Bill 161]
Committee*; Report May 22
Read 3° May 23
l. Read 1° (The Lord President) May 26
Read 2° June 16 (No. 95)

**Local Government (Highways) Provi-
sional Orders (Dorset, &c.) Bill**
(*Mr. Salt, Mr. Selater-Booth*)

c. Ordered; read 1° May 16 [Bill 186]
Read 2° May 27
Committee*; Report June 10
Read 3° June 11
l. Read 1° (Lord President) June 13 (No. 111)

**Local Government (Highways) Provi-
sional Orders (Gloucester and Here-
ford) Bill** (*Mr. Salt, Mr. Selater-Booth*)

c. Ordered; read 1° May 16 [Bill 185]
Read 2° May 27
Committee*; Report June 10
Read 3° June 11
l. Read 1° (Lord President) June 13 (No. 112)

**Local Government (Ireland) Provisional
Orders (Clonmel, &c.) Bill [H.L.]**
(*Mr. James Lowther*)

c. Read 1° May 9 [Bill 166]
Read 2° May 16
Committee*; Report May 26
Read 3° May 27

**Local Government (Ireland) Provisional
Orders Confirmation (Cashel, &c.)
Bill [H.L.]** (*Mr. James Lowther*)

c. Read 2° May 23 [Bill 141]
Committee*; Report June 9
Read 3° June 10

**Local Government (Ireland) Provisional
Orders Confirmation (Downpatrick)
Bill [H.L.]** (*Mr. James Lowther*)

c. Read 2° May 23 [Bill 140]
Committee*; Report June 9
Read 3° June 10

Local Government (Ireland) Provisional Orders (Killarney, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Ordered; read 1^o May 13 [Bill 178]
 Read 2^o May 20
 Committee*; Report May 27
 Read 3^o June 10
 l. Read 1^a (Lord President) June 13 (No. 110)

Local Government (Ireland) Provisional Orders (Waterford, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Committee*; Report May 21 [Bill 183]
 Read 3^o May 22
 l. Read 1^a (Lord President) May 23 (No. 91)
 Read 2^a May 30
 Committee*; Report June 13
 Read 3^a June 16

Local Government (Poor Law) Provisional Orders Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o May 13 [Bill 155]
 Committee*; Report May 22
 Read 3^o May 23
 l. Read 1^a (Lord President) May 26 (No. 96)
 Read 2^a June 16

Local Government Provisional Orders (Abergavenny Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Committee*; Report May 26 [Bill 187]
 Read 3^o May 27
 l. Read 1^a (Lord President) May 27 (No. 103)
 Read 2^a June 16

Local Government Provisional Orders (Artizans' and Labourers' Dwellings) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o May 16 [Bill 159]
 Committee*; Report May 26
 Read 3^o May 27
 l. Read 1^a (Lord President) May 27 (No. 102)
 Read 2^a June 16

Local Government Provisional Orders (Ashton-under-Lyne, &c.) Bill

(*The Lord President*)

- l. Read 1^a May 9 (No. 79)
 Read 2^a May 16
 Committee*; Report May 19
 Read 3^a May 20
 Royal Assent May 23 [42 Vict. c. xliii]

Local Government Provisional Orders (Aspull, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o May 20 [Bill 151]
 Committee*; Report June 9
 Considered* June 10
 Read 3^o June 11
 l. Read 1^a (Lord President) June 13 (No. 113)

Local Government Provisional Orders (Axminster Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o May 14 [Bill 154]
 Committee*; Report May 22
 Read 3^o May 23
 l. Read 1^a (Lord President) May 26 (No. 94)
 Read 2^a June 16

Local Government Provisional Orders (Aysgarth Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Committee*; Report May 26 [Bill 142]
 Read 3^o May 27
 l. Read 1^a (Lord President) May 27 (No. 104)
 Read 2^a June 16

Local Government Provisional Orders (Cartworth) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o May 19 [Bill 158]
 Order for Committee discharged; Bill referred to the Committee of Selection May 26
 Report of Select Comm.* June 13

Local Government Provisional Orders (Castleton by Rochdale, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o May 19 [Bill 160]
 Committee*; Report May 27
 Read 3^o June 10
 l. Read 1^a (Lord President) June 13 (No. 114)

London School Board Expenditure

Moved, "That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist" (*Mr. Reginald Yorke*) June 10, 1874; after long debate, Debate adjourned

LONGFORD, Earl of

Army—Brigade Depôt System, Res. 1217
 Army—Condition of the Army and Short Service System, Address for Papers, 1425
 Tenant Right (Ireland), 2R. 802

Lord Clerk Register (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

- c. Ordered; read 1^o May 26 [Bill 196]

Lotteries, Illegal

Question, Mr. Anderson; Answer, The Attorney General for Ireland June 13, 1870

Lowe, Right Hon. R., London University

India—East India Revenue Accounts—Financial Statement, Comm. 1185
 Supply—Land Registry, 712
 University Education (Ireland), 2R. 992

LEFEVRE, Mr. G. J. Shaw, *Reading*
Customs and Inland Revenue, Comm. cl. 15,
1531, 1532

LEIGHTON, Sir B., *Shropshire, S.*
London School Board Expenditure, Res. 1618
Supply—Prisons in England and Wales, 1274

LEIGHTON, Mr. S., *Shropshire, N.*
Customs and Inland Revenue, Comm. cl. 23,
Amendt. 1876, 1881

LESLIE, Sir J., *Monaghan*
Landlord and Tenant (Ireland) (No. 2), 2R.
363

Licensing Laws Amendment Bill
(*Mr. Staveley Hill, Mr. Mundella, Mr. Rodwell*)

c. Order read, for resuming Adjourned Debate on
Amendt. proposed to Question [17th April],
"That the Bill be now read 2°;" and which
Amendt. was, to leave out "now," and add
"upon this day six months" (*Sir Harcourt
Johnstone*); Question again proposed; De-
bate resumed May 16, 651
Question put; A. 48, N. 30; M. 18 (D. L. 101)
Main Question put, and agreed to; Bill read 2°
[Bill 25]

LIFFORD, Viscount
Tenant Right (Ireland), 2R. Amendt. 798
West Donegal Railway, Comm. 1335

LIMERICK, Earl of
Army—Brigade Depôt System, Res. 1224

**LINDSAY, Colonel R. J. Loyd (Financial
Secretary for War), *Berkshire***
Africa, South—Zulu War—Miscellaneous Ques-
tions
Railways, 131
60th Rifles—Court Martial, 123
Surgeon Major Reynolds, 123
Army Estimates—Medical Establishments, &c.
1967
Volunteer Corps, 2016
Wormwood Scrubs Regulation, Nomination of
a Select Committee, 326

**Linen and Hempen Manufactures (Ire-
land) Bill** (*Mr. James Lowther, Mr.
Attorney General for Ireland*)

c. Acts read; considered in Committee; Resolu-
tion agreed to, and reported; Bill ordered;
read 1° June 9 [Bill 202]

LLOYD, Mr. M., *Beaumaris*
Army Discipline and Regulation, Comm. cl. 40,
594; cl. 44, 859, 861
Summary Jurisdiction, Comm. cl. 54, 219;
cl. 55, 223; Consid. Amendt. 1093; Sche-
dule 1, Amendt. 1107
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LLOYD, Mr. S. S., *Plymouth*
Customs and Inland Revenue, Comm. cl. 15,
1520, 1527
Education Department—Teachers' Salaries, 401
India—East India Revenue Accounts—Finan-
cial Statement, Comm. 1088

Lloyds' Patriotic Fund
Question, Sir Henry Havelock; Answer, Lord
George Hamilton May 16, 570

**Local Government (Highways) Provi-
sional Orders (Buckingham, &c.) Bill**
(*Mr. Salt, Mr. Sclater-Booth*)

c. Read 2° May 14 [Bill 161]
Committee*; Report May 22
Read 3° May 23
l. Read 1° (The Lord President) May 26
Read 2° June 16 (No. 95)

**Local Government (Highways) Provi-
sional Orders (Dorset, &c.) Bill**
(*Mr. Salt, Mr. Sclater-Booth*)

c. Ordered; read 1° May 16 [Bill 186]
Read 2° May 27
Committee*; Report June 10
Read 3° June 11
l. Read 1° (Lord President) June 13 (No. 111)

**Local Government (Highways) Provi-
sional Orders (Gloucester and Here-
ford) Bill** (*Mr. Salt, Mr. Sclater-Booth*)

c. Ordered; read 1° May 16 [Bill 185]
Read 2° May 27
Committee*; Report June 10
Read 3° June 11
l. Read 1° (Lord President) June 13 (No. 112)

**Local Government (Ireland) Provisional
Orders (Clonmel, &c.) Bill** [H.L.]
(*Mr. James Lowther*)

c. Read 1° May 9 [Bill 166]
Read 2° May 16
Committee*; Report May 26
Read 3° May 27

**Local Government (Ireland) Provisional
Orders Confirmation (Cashel, &c.)
Bill** [H.L.] (*Mr. James Lowther*)

c. Read 2° May 23 [Bill 141]
Committee*; Report June 9
Read 3° June 10

**Local Government (Ireland) Provisional
Orders Confirmation (Downpatrick)
Bill** [H.L.] (*Mr. James Lowther*)

c. Read 2° May 23 [Bill 140]
Committee*; Report June 9
Read 3° June 10

Local Government (Ireland) Provisional Orders (Killarney, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Ordered; read 1^o * May 13 [Bill 178]
Read 2^o * May 20
Committee*; Report May 27
Read 3^o * June 10
- l. Read 1^a * (*Lord President*) June 13 (No. 110)

Local Government (Ireland) Provisional Orders (Waterford, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Committee*; Report May 21 [Bill 133]
Read 3^o * May 22
- l. Read 1^a * (*Lord President*) May 23 (No. 91)
Read 2^a * May 30
Committee*; Report June 13
Read 3^a * June 16

Local Government (Poor Law) Provisional Orders Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 13 [Bill 155]
Committee*; Report May 22
Read 3^o * May 23
- l. Read 1^a * (*Lord President*) May 26 (No. 96)
Read 2^a * June 16

Local Government Provisional Orders (Abergavenny Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Committee*; Report May 26 [Bill 137]
Read 3^o * May 27
- l. Read 1^a * (*Lord President*) May 27 (No. 103)
Read 2^a * June 16

Local Government Provisional Orders (Artizans' and Labourers' Dwellings) Bill (*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 16 [Bill 159]
Committee*; Report May 26
Read 3^o * May 27
- l. Read 1^a * (*Lord President*) May 27 (No. 102)
Read 2^a * June 16

Local Government Provisional Orders (Ashton-under-Lyne, &c.) Bill

(*The Lord President*)

- l. Read 1^a * May 9 (No. 79)
Read 2^a * May 16
Committee*; Report May 19
Read 3^a * May 20
Royal Assent May 23 [42 Vict. c. xliii]

Local Government Provisional Orders (Aspull, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 20 [Bill 151]
Committee*; Report June 9
Considered * June 10
Read 3^o * June 11
- l. Read 1^a * (*Lord President*) June 13 (No. 113)

Local Government Provisional Orders (Axminster Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 14 [Bill 154]
Committee*; Report May 22
Read 3^o * May 23
- l. Read 1^a * (*Lord President*) May 26 (No. 94)
Read 2^a * June 16

Local Government Provisional Orders (Aysgarth Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Committee*; Report May 26 [Bill 142]
Read 3^o * May 27
- l. Read 1^a * (*Lord President*) May 27 (No. 104)
Read 2^a * June 16

Local Government Provisional Orders (Cartworth) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 19 [Bill 158]
Order for Committee discharged; Bill referred to the Committee of Selection May 26
Report of Select Comm.* June 13

Local Government Provisional Orders (Castleton by Rochdale, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 19 [Bill 160]
Committee*; Report May 27
Read 3^o * June 10
- l. Read 1^a * (*Lord President*) June 13 (No. 114)

London School Board Expenditure

Moved, "That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist" (*Mr. Reginald Yorke*) June 10, 1874; after long debate, Debate adjourned

LONGFORD, Earl of

Army—Brigade Depot System, Res. 1217
Army—Condition of the Army and Short Service System, Address for Papers, 1425
Tenant Right (Ireland), 2R. 802

Lord Clerk Register (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

- c. Ordered; read 1^o * May 26 [Bill 196]

Lotteries, Illegal

Question, Mr. Anderson; Answer, The Attorney General for Ireland June 13, 1870

LOWE, Right Hon. R., London University

India—East India Revenue Accounts—Financial Statement, Comm. 1185
Supply—Land Registry, 712
University Education (Ireland), 2R. 992

LOWTHER, Right Hon. J. (Chief Secretary for Ireland), *York City*

Criminal Law—Case of Ryan, 1813
Ireland—Miscellaneous Questions
Agricultural Depression, 1398
Board of Works—Carrick-on-Suir Bridge, 1015, 1874
Constabulary—Sub-Constable Joyce, 132
Cookstown, Forcible Dispersal of a Meeting, 1917, 1918
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Fisheries of Sligo and Bonet River, 1909
Irish Church Mission—Distribution of Tracts, 1231
Irish Prisons Board—Infirmary Surgeons, 1140
National School Teachers, 1857
Netterville Trust Property—The Louth Institution, 1156
Poor Law—Blessington Dispensary (Naas Union) Medical Officer, 1237;—Monaghan Board of Guardians, 1359, 1432
Prisons Act, Sec. 27—Prisons Board—Medical Officers, 686
Prisons—Religious Denominations, 1809
Public Health Act—Loans for Paving Works in Dublin, 1136
Religious Disturbances at Omev Island, County Galway, 688, 689
Reproductive Loan Fund—Loans to Clare Fishermen, 1912
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Landlord and Tenant (Ireland) (No. 2), 2R. 375
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Supply—Chief Secretary to the Lord Lieutenant of Ireland, &c. 210, 212, 213
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LUBBOCK, Sir J., *Maidstone*

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Netterville Trust Property—The Louth Institution, 1160

Lunacy Laws—Legislation

Question, Mr. Dillwyn; Answer, Mr. Assheton
Cross May 22, 1012

LUSH, Dr. J. A., *Salisbury*

Army Estimates—Medical Establishments, &c. 1951, 1975

LUSK, Sir A., *Finsbury*

Army Estimates—Medical Establishments, &c. 1959, 1975
Metropolis—Local Taxation, Motion for a Select Committee, 1822
Parliament—Public Business, Arrangement of, 406
Supply—Broadmoor Criminal Lunatic Asylum, 1460
Chief Secretary to the Lord Lieutenant of Ireland, &c. 213
Convict Establishments in England and the Colonies, 755
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Lord Advocate, &c. Scotland, 1463
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Register House, Edinburgh, 1483
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MCARTHUR, Mr. A., *Leicester*

Africa—West Coast—Sierra Leone—Custom Duties, 1699
Supply—Prison Commissioners for Scotland, &c. 1506

MACARTNEY, Mr. J. W. E., *Tyrens*

Religious Disturbances at Omev Island, County Galway, 686, 691

MACCARTHY, Mr. J., *Longford*

Cyprus, Island of—Punishment of Priests, 1899
Landlord and Tenant (Ireland) (No. 2), 2R. 353

MACCARTHY, Mr. J. G., *Mallow*

Ireland—Agricultural Depression, 1391
Carrick-on-Suir Bridge, 1874
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MACDONALD, Mr. A., *Stafford*

Army Estimates—Medical Establishments, &c. 1976
Canada, Dominion of—Fortune Bay, Newfoundland, 12
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Railways—Railway Accidents—Adoption of Continuous Brakes, 1857
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MACINTOSH, Mr. C. FRASER-, *Internat. &c.*

Education (Scotland) Act—Barvas (Island of Lewis) School Board, 1234
Supply—Courts of Law and Justice, Scotland, 1467, 1469
Lord Advocate, &c. Scotland, 1463
Register House, Edinburgh, Amendt. 1474, 1483
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MAC IVER, Mr. D., *Birkenhead*

Merchant Shipping Acts—"Kain v. Farmer," 1003
Parliament—Whitsuntide Recess, 134, 135
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McKENNA, Sir J. N., *Youghal*

Army Discipline and Regulation, Comm. cl. 42, 615
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McLAGAN, Mr. P., *Linlithgowshire*

Customs and Inland Revenue, Comm. cl. 18, 1634
 Supply—Local Taxation in Scotland, 187

McLAREN, Mr. D., *Edinburgh*

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MAKINS, Lieut.-Colonel W. T., *Essex, S.*

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Malta—The Maltese Civil Service

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MANNERS, Right Hon. Lord J. J. R. (Postmaster General), *Leicestershire, N.*

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 International Post Card, The New, 693
 Post Office, Edinburgh, 401
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 Telegraphic Department—Female Clerks, 1230

MARTEN, Mr. A. G., *Cambridge*

Army Discipline and Regulation, Comm. cl. 42, 608
 Law of Distress, Res. 71
 Prerogative of the Crown, Res. 287

MARTIN, Mr. P., *Kilkenny Co.*

Landlord and Tenant (Ireland) (No. 2), 2R. 373

MASSERESSE, Viscount

Hares (Ireland), 2R. 1417

Medical Act (1858) Amendment Bill

(*Dr. Lush, Sir Trevel Lawrence, Sir Joseph M'Kenna*)

c. Order read, for resuming Adjourned Debate on Amendt. proposed to Question [12th March], "That the Bill be now read 2°;" and which Amendt. was, to leave out "now," and add "upon this day six months" (*Mr. Sergeant Simon*); Question again proposed; Debate resumed May 16, 648

Question put, and agreed to; Bill read 2°, and committed to the Select Committee on Medical Act (1858) Amendment (No. 3) Bill [*Lords*]

Medical Act (1858) Amendment (No. 2) Bill

(*Mr. Arthur Mills, Mr. Childers, Mr. Goldney*)

c. Read 2°, and referred to a Select Comm. May 16 [Bill 88]

Medical Act (1858) Amendment (No. 3) Bill [H.L.]

c. Moved, "That the Bill be read 2° to-morrow, at Two of the clock" May 15, 506; Question put; A. 39, N. 16; M. 23 (D. L. 96)

Read 2°, and committed to a Select Committee May 16

Select Committee nominated June 9; List of the Committee, 1542

Medical Appointments Qualification Bill

(*Mr. Errington, Mr. Blennerhassett*)

c. Read 2°, and committed to the Select Committee on Medical Act (1858) Amendment (No. 3) Bill [*Lords*] May 16 [Bill 62]

Medical Bills — The Select Committee—Witnesses

Question, Mr. Lyon Playfair; Answer, Lord George Hamilton May 15, 400

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Question, Mr. Errington; Answer, Lord George Hamilton May 12, 124

MELDON, Mr. C. H., *Kildare*

Army Discipline and Regulation, Comm. cl. 36, 463

Army Estimates—Medical Establishments, &c. Amendt. 1860, 1866, 1869, 1870

Ireland—Carrick-on-Suir Bridge, 1873

Registrars of County Courts, 1918

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Merchant Shipping Acts

"*Kain v. Farmer*," Question, Mr. Mac Iver;

Answer, Viscount Sandon May 22, 1003

Shipping Office Fees, Question, Mr. Goulley;

Answer, Viscount Sandon May 12, 131

MEREWETHER, Mr. C. G., Northampton
Army Discipline and Regulation, Comm. cl. 40,
585, 594; cl. 42, 850

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Gravel in the Parks, Question, Observations,
The Duke of Rutland; Reply, The Duke of
Richmond and Gordon May 12, 120

Open Spaces, Question, Mr. W. H. James;
Answer, Mr. Assheton Cross May 16, 589

State of Repair of Public Roads, Question, Sir
Eardley Wilmot; Answer, Sir James M'Garel
Hogg May 19, 696

The Metropolitan Toll Bridges, Question, Sir
James Lawrence; Answer, Sir James
M'Garel Hogg May 12, 135

Metropolis—Local Taxation

Amendt. on Committee of Supply June 13, To
leave out from "That," and add "a Select
Committee be appointed to inquire into the
powers of the Vestries of the Metropolis,
and their administration of the funds at their
disposal" (*Mr. Baillie Cochrane*) v., 1813;
Question proposed, "That the words, &c.;"
after debate, Question put, and agreed to

**Metropolis (Little Coram Street, Blooms-
bury, Wells Street, Poplar, and Great
Peter Street, Westminster,) Improve-
ment Provisional Orders Confirmation
Bill [H.L.]**

c. Read 1^o * May 12 [Bill 175]
Read 2^o * May 19
Committee; Report May 27, 1400
Considered * June 10
Read 3^o * June 11

**Metropolis (Whitechapel and Limehouse)
Improvement Scheme Amendment Bill**
(*Sir Matthew Ridley, Mr. Secretary Cross*)

c. Ordered; read 1^o * May 15 [Bill 184]
Read 2^o * May 26
Committee *; Report June 9
Read 3^o * June 10
l. Read 1^o * (*Lord Steward*) June 13 (No. 115)

**Metropolitan Board of Works (Water
Expenses) Bill** (*Sir James M'Garel
Hogg, Sir Charles W. Dilke, Mr. Rodwell*)

c. Ordered; read 1^o * June 10 [Bill 204]

**Metropolitan Public Carriage Act Amend-
ment Bill [H.L.]** (*The Lord Steward*)

l. Presented; read 1^o * May 29 (No. 105)

**Metropolitan Water Supply and Fire Bri-
gade—Report of the Select Committee**

Moved, "That an humble Address be presented
to Her Majesty for Correspondence between
the Society of Arts and the Secretary of
State for the Home Department respecting
the Water Supply of the Metropolis" (*Earl
Granville*) May 23, 1113; after short debate,
Motion agreed to

MILLS, Sir C., Kent, W.

India—Four-and-a-half per cent Loan
ment, 694

MILLS, Mr. A., Exeter

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695

Parliament—Public Business, Arrangem-
405

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*Mine Accidents—The Royal Commission-
clusion of the Press and Constitution
Commission*, Questions, Mr. Macdo
Answers, Mr. Assheton Cross May 23,

Mine Inspectors' Reports, Question, Mr.
donald; Answer, Mr. Assheton Cross M-
1137

*Mines Regulation Act, 1872 — Inspecti-
Coal Mines*, Question, Mr. Burt; At
Mr. Assheton Cross June 13, 1808

MONK, Mr. C. J., Gloucester City

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402

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Railway Commission, 1914

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dress, 2032

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meath**

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brancer in Exchequer, Scotland, 15

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MOORE, Mr. A. J., Clonmel

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Bridge, 1014, 1015

Fiji—Execution of Native Prisoners—Al
Barbarities, 1234

Supply—Prisons in England and Wales,
1285

Reformatory, Industrial, &c. Schools,
1442, 1443, 1445

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MUNDELLA, Mr. A. J., *Sheffield*

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tion for Adjournment, 1847
Supply—Convict Establishments in England
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***Municipal Corporations, Unreformed—Re-
port of the Commission***

Question, Mr. Whitwell; Answer, Mr. Asshe-
ton Cross June 12, 1720

MUNTZ, Mr. P. H., *Birmingham*

Army Discipline and Regulation, Comm. *cl.* 32,
451, 457; *cl.* 40, 585; *cl.* 44, 1575
Supply—Police, Counties and Boroughs (Great
Britain), 742
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1489

MURE, Colonel W., *Renfrew*

Africa, South—Civil and Military Commands,
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First Class Army Reserve, 1012
Soldiers in Uniform, 1868
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NAGHTEN, Colonel A. R., *Winchester*

Army Estimates—Militia, 1991

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of the "Rosalya," 1900

***National Fund for Relief of Families of
Soldiers, Sailors, &c.***

Question, General Shute; Answer, Colonel
Stanley June 13, 1806

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*Admiralty and War Office Regulation Act—
The Secretariat of the Admiralty*, Question,
Mr. Childers; Answer, Mr. W. H. Smith
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Mr. D. Jenkins; Answer, Mr. W. H. Smith
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tions, The Earl of Camperdown; Reply, The
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Biggar; Reply, Mr. A. F. Egerton; Obser-
vations, Mr. Parnell June 13, 1872

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**NOEL, Right Hon. G. J. (First Commis-
sioner of Works), *Rutland***

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NORWOOD, Mr. C. M., *Kingston-upon-Hull*

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(*Mr. Selater-Booth, Viscount Sandon, Sir Henry Selwin-Ibbetson, Mr. Salt*) [Bill 123]

c. Moved, "That the Bill be now read 2^o" *May* 16, 644

Moved, "That the Debate be now adjourned" (*Sir Henry James*); after short debate, Question put, and agreed to: Debate adjourned

O'BEIRNE, Major F., *Leitrim*

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Moved, "That the Orders of the Day subsequent to the Army Discipline and Regulation Bill be postponed until after the Notice of Motion for leave to bring in a Bill for promoting University Education in Ireland" (*Mr. Chancellor of the Exchequer*) May 15, 403; after short debate, Motion agreed to

Parliament—Committees—Ascension Day

Ordered, That Committees shall not sit Tomorrow, being Ascension Day, until Two of the clock, notwithstanding the sitting of the House (*Mr. Chancellor of the Exchequer*) May 21, 930

Parliament—Prerogative of the Crown

Notice of Motion, Mr. Dillwyn May 12, 121; Alteration of Motion, 132; Observations, Question, Mr. Fawcett; Reply, Mr. Dillwyn May 13, 240

Moved, "That to prevent the growing abuse by Her Majesty's Ministers of the prerogative and influence of the Crown, and consequent augmentation of the power of the Government in enabling them, under cover of the supposed personal interposition of the Sovereign, to withdraw from the cognizance and control of this House matters relating to policy and expenditure properly within the scope of its powers and privileges, it is necessary that the mode and limits of the action of the prerogative should be more strictly observed" (*Mr. Dillwyn*) May 13, 242

Amendt. to leave out from "That," and add "by the Constitution and Laws of this Realm, it is the right and duty of the Sovereign, with the advice of the Council, and only by that advice, or by the advice of Parliament, to direct the foreign policy of the Country, to negotiate and enter into Treaties, and to declare war or conclude a peace" (*Lord Robert Montagu*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Sir Robert Peel*); Question put; A. 46, N. 347; M. 301 (D. L. 91)

Question again proposed, "That the words, &c.;" Moved, "That this House do now adjourn" (*Major Nolan*); after short debate, Question put; A. 43, N. 307; M. 264 (D. L. 92)

Question again proposed, "That the words, &c.;" Moved, "That the Debate be now adjourned" (*Mr. O'Sullivan*); Motion agreed to; Debate adjourned

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New Writ Issued

May 13—For Limerick City, v. Isaac Butt, esquire, deceased

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New Members Sworn

May 9—Robert Peter Lawrie, esquire

June 9—The O'Gorman Mahon, *Clare*
Daniel FitzGerald Gabbett,
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(*Mr. James Cowan, Mr. M'Laren, Trevelyan, Mr. John Holmes*)

c. Committee*; Report May 16 [1

Considered* May 19

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Read 2* May 27

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l. Royal Assent May 23 [42 Vict. c. 13]

Pier and Harbour Orders Confirmation Bill
(Lord Henniker)

l. Read 2^o May 15 (No. 73)
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l. Royal Assent May 23 [42 Vict. c. 12]

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Prisons (Ireland) Act, Sec 27—The Prisons Board—Medical Officers
 Question, Mr. Errington; Answer, Mr. J. Lowther May 19, 685

Probate, Legacy, and Succession Duties
 Moved, "That, in the opinion of this House, it is expedient that in lieu of Probate and Administration Duty, which is now payable according to unequal rates, upon the personal estate of deceased persons, and in lieu of Legacy Duty, which is now payable at various rates and various times in respect of each separate gift by will, and each separate share of an intestate's estate, one Duty only should be levied, at a uniform rate, upon the value of the personal estate of every deceased person" (Mr. Dodds) May 20, 887

Amendt. to leave out from "expedient" and add "to reconsider and revise the progressive rates of Probate and Administration Duty, and to afford greater facilities for the assessment and settlement of Legacy and Succession Duties upon future or contingent events, and for the relief of executors, administrators, and trustees in respect of the same" (Mr. Gregory) v.; Question proposed, "That the words, &c.;" after debate, Question put; A. 59, N. 131; M. 72 (D. L. 105)

Words added; main Question, as amended, put; A. 131, N. 24; M. 107 (D. L. 106), and agreed to

Prosecution of Offences Bill

(The Lord Chancellor)

l. Read 2^a, after short debate May 27, 1

Public Health Act (1875) Amendment Bill (Mr. Alexander Brown, 1 well, Mr. Ryder)

c. Committee—R.F. May 26, 1326 [I

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Read 2^a May 19

Committee; Report May 30

Read 3^a May 23

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Public Health (Scotland) Prov Order (Bothwell) Bill

(The Lord Advocate, Mr. Secretary

c. Read 2^a May 9 [Bill

Committee; Report May 19

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l. Read 1^a (Lord Steward) May 23 (N

Read 2^a May 30

Committee; Report June 13

Read 3^a June 16

Public Health (Scotland) Prov Order (Castle Douglas) Bill

(The Lord Steward)

l. Read 2^a May 12 (N

Committee; Report May 13

Read 3^a May 15

Royal Assent May 23 [42 Vict. c

Public Works Loan Bill

Local Finance—Annual Statement, Q Mr. Pell, Mr. Chamberlain; Answer, Chancellor of the Exchequer June 16

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l. Moved, "That the Bill be now read May 12, 100

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Resolved in the Affirmative; Bill read

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Local Government (Ireland) Provisional Orders (Killarney, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Ordered; read 1^o * May 13 [Bill 178]
 Read 2^o * May 20
 Committee*; Report May 27
 Read 3^o * June 10
 l. Read 1^o * (Lord President) June 13 (No. 110)

Local Government (Ireland) Provisional Orders (Waterford, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Committee*; Report May 21 [Bill 133]
 Read 3^o * May 23
 l. Read 1^o * (Lord President) May 23 (No. 91)
 Read 2^o * May 30
 Committee*; Report June 13
 Read 3^o * June 16

Local Government (Poor Law) Provisional Orders Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Read 2^o * May 13 [Bill 155]
 Committee*; Report May 22
 Read 3^o * May 23
 l. Read 1^o * (Lord President) May 26 (No. 96)
 Read 2^o * June 16

Local Government Provisional Orders (Abergavenny Union, &c.) Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Committee*; Report May 26 [Bill 137]
 Read 3^o * May 27
 l. Read 1^o * (Lord President) May 27 (No. 103)
 Read 2^o * June 16

Local Government Provisional Orders (Artizans' and Labourers' Dwellings) Bill (*Mr. Salt, Mr. Scclater-Booth*)

- c. Read 2^o * May 16 [Bill 159]
 Committee*; Report May 26
 Read 3^o * May 27
 l. Read 1^o * (Lord President) May 27 (No. 102)
 Read 2^o * June 16

Local Government Provisional Orders (Ashton-under-Lyne, &c.) Bill

(*The Lord President*)

- l. Read 1^o * May 9 (No. 79)
 Read 2^o * May 16
 Committee*; Report May 19
 Read 3^o * May 20
 Royal Assent May 23 [42 Vict. c. xliii]

Local Government Provisional Orders (Aspull, &c.) Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Read 2^o * May 20 [Bill 151]
 Committee*; Report June 9
 Considered* June 10
 Read 3^o * June 11
 l. Read 1^o * (Lord President) June 13 (No. 113)

Local Government Provisional Orders (Axminster Union, &c.) Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Read 2^o * May 14 [Bill 164]
 Committee*; Report May 22
 Read 3^o * May 23
 l. Read 1^o * (Lord President) May 26 (No. 94)
 Read 2^o * June 16

Local Government Provisional Orders (Aysgarth Union, &c.) Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Committee*; Report May 26 [Bill 142]
 Read 3^o * May 27
 l. Read 1^o * (Lord President) May 27 (No. 104)
 Read 2^o * June 16

Local Government Provisional Orders (Cartworth) Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Read 2^o * May 19 [Bill 168]
 Order for Committee discharged; Bill referred to the Committee of Selection May 26
 Report of Select Comm.* June 13

Local Government Provisional Orders (Castleton by Rochdale, &c.) Bill

(*Mr. Salt, Mr. Scclater-Booth*)

- c. Read 2^o * May 19 [Bill 160]
 Committee*; Report May 27
 Read 3^o * June 10
 l. Read 1^o * (Lord President) June 13 (No. 114)

London School Board Expenditure

Moved, "That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist" (*Mr. Reginald Yorke*) June 10, 1874; after long debate, Debate adjourned

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 Army—Condition of the Army and Short Service System, Address for Papers, 1425
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Lord Clerk Register (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

- c. Ordered; read 1^o * May 26 [Bill 196]

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Question, Mr. Anderson; Answer, The Attorney General for Ireland June 13, 1870

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(*Mr. Selater-Booth*)

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tain), 736

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1321

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Superannuation and Retired Allowances,
&c. 1518

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Spain—Contraband Trade at Gibraltar
of the "Roselyn," 1898

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Bulgaria and Eastern Roumelia, M
Correspondence, 661

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Salmon Disease (England and Scott

Question, Captain Milne-Home; Ans
Asheton Cross May 27, 1352

Salmon Fishery Law Amendment

Bill (*Colonel Kingscote, Sir Joseph
Mr. Stafford Howard*)

c. Ordered * May 14

Read 1^o * May 16

Read 2^o June 16, 2030

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Samoa Islands, The—Treaty with

many
Question, Colonel Mure; Answer, Mr.
May 15, 400

SAMUELSON, Mr. B., *Banbury*

Patents—Patents for Inventions Bill, 1

SAMUELSON, Mr. H. B., *Frome*

Army—The 42nd Regiment, 1915
Hours of Polling (Boroughs), 2R. 1685

SANDON, Right Hon. Viscount

sident of the Board of T

Liverpool

Agricultural Statistics—Cora Returns,
"General Statistical Abstract"—Foreign

on British Produce, 1140
Merchant Shipping Acts—"Kain v. F.

1004

Shipping Office Fees, 131

Railway Commission—Prolongation of
569, 1914

Railways — Railway Accidents — Ado
Continuous Brakes, 1860

SCLATER-BOOTH, Right Hon. G. (

dent of the Local Gover
Board), *Hampshire, N.*

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Metropolis—Local Taxation, Motion fo
lect Committee, 1821

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Local Government (Ireland) Provisional Orders (Killarney, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Ordered; read 1^o * May 13 [Bill 178]
Read 2^o * May 20
Committee *; Report May 27
Read 3^o * June 10
- l. Read 1^a * (*Lord President*) June 13 (No. 110)

Local Government (Ireland) Provisional Orders (Waterford, &c.) Bill

(*Mr. James Lowther, Mr. Attorney General for Ireland*)

- c. Committee *; Report May 21 [Bill 133]
Read 3^o * May 22
- l. Read 1^a * (*Lord President*) May 23 (No. 91)
Read 2^a * May 30
Committee *; Report June 13
Read 3^a * June 16

Local Government (Poor Law) Provisional Orders Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 13 [Bill 155]
Committee *; Report May 22
Read 3^o * May 23
- l. Read 1^a * (*Lord President*) May 26 (No. 96)
Read 2^a * June 16

Local Government Provisional Orders (Abergavenny Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Committee *; Report May 26 [Bill 137]
Read 3^o * May 27
- l. Read 1^a * (*Lord President*) May 27 (No. 103)
Read 2^a * June 16

Local Government Provisional Orders (Artizans' and Labourers' Dwellings) Bill (*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 16 [Bill 159]
Committee *; Report May 26
Read 3^o * May 27
- l. Read 1^a * (*Lord President*) May 27 (No. 102)
Read 2^a * June 16

Local Government Provisional Orders (Ashton-under-Lyne, &c.) Bill

(*The Lord President*)

- l. Read 1^a * May 9 (No. 79)
Read 2^a * May 16
Committee *; Report May 19
Read 3^a * May 20
Royal Assent May 23 [42 Vict. c. xliii]

Local Government Provisional Orders (Aspull, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 20 [Bill 151]
Committee *; Report June 9
Considered * June 10
Read 3^o * June 11
- l. Read 1^a * (*Lord President*) June 13 (No. 113)

Local Government Provisional Orders (Axminster Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 14 [Bill 154]
Committee *; Report May 22
Read 3^o * May 23
- l. Read 1^a * (*Lord President*) May 26 (No. 94)
Read 2^a * June 16

Local Government Provisional Orders (Aysgarth Union, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Committee *; Report May 26 [Bill 142]
Read 3^o * May 27
- l. Read 1^a * (*Lord President*) May 27 (No. 104)
Read 2^a * June 16

Local Government Provisional Orders (Cartworth) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 19 [Bill 158]
Order for Committee discharged; Bill referred to the Committee of Selection May 26
Report of Select Comm. * June 13

Local Government Provisional Orders (Castleton by Rochdale, &c.) Bill

(*Mr. Salt, Mr. Sclater-Booth*)

- c. Read 2^o * May 19 [Bill 160]
Committee *; Report May 27
Read 3^o * June 10
- l. Read 1^a * (*Lord President*) June 13 (No. 114)

London School Board Expenditure

Moved, "That the rapidly increasing expenditure of the London School Board requires the early attention of the Government, with the view of imposing on it some more effectual checks than appear at present to exist" (*Mr. Reginald Yorke*) June 10, 1874; after long debate, Debate adjourned

LONGFORD, Earl of

Army—Brigade Depot System, Res. 1217
Army—Condition of the Army and Short Service System, Address for Papers, 1425
Tenant Right (Ireland), 2R. 802

Lord Clerk Register (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

- c. Ordered; read 1^o * May 26 [Bill 196]

Lotteries, Illegal

Question, Mr. Anderson; Answer, The Attorney General for Ireland June 13, 1870

LOWE, Right Hon. R., London University

India—East India Revenue Accounts—Financial Statement, Comm. 1185
Supply—Land Registry, 712
University Education (Ireland), 2R. 992

SHUTE, General C. C., Brighton

- Army Discipline and Regulation—Booty of War, 1701
- Army Discipline and Regulation, Comm. cl. 30, 426; cl. 39, 577; cl. 40, 595; cl. 44, 865, 1567, 1573, 1575
- Army Estimates—Military Law, Administration of, 1930, 1932, 1942
- Yeomanry Cavalry, 2003
- Army Regulation Act—Cashiered Purchase Officers, 1807
- General National Fund for the Relief of Families of Soldiers, Sailors, &c. 1806
- India—Afghanistan—The War—General Roberts' Despatch, 122, 1233
- Kirwee Prize Money, 1701
- Post Office—Soldiers' Letters from South Africa, 1708

SIDEBOTTOM, Mr. T. H., Staleybridge

- India—East India Revenue Accounts—Financial Statement, Comm. 1178

SIMON, Mr. Serjeant J., Dewsbury

- Supply—Convict Establishments in England and the Colonies, 749
- Prisons in England and Wales, 1273

Slave Trade in South Africa—Treaty with Portugal

- Question, Mr. Anderson; Answer, Mr. Bourke June 12, 1703

SMITH, Right Hon. W. H. (First Lord of the Admiralty), Westminster

- Admiralty—Director of Naval Construction, 1359
- Admiralty and War Office Regulation Act—The Secretariat of the Admiralty, 393
- Africa, South—Forces in Zululand, 1008
- Zulu War—Royal Marines, 1019
- Army Discipline and Regulation, Comm. cl. 32, 436, 438
- Fishery Laws—Violation by Steam Trawlers, 1808
- Navy—Miscellaneous Questions
- Coaling at St. Vincent's, 1915
- H.M.S. "Iron Duke," 182
- Mr. W. Froude, the late, 1806
- Pensions of Sergeants of Royal Marines, 1706

SMOLLETT, Mr. P. B., Cambridge

- India—East India Revenue Accounts—Financial Statement, Comm. 1753

SOLICITOR GENERAL, The (Sir H. S. Giffard), Launceston

- Army Discipline and Regulation, Comm. cl. 44, 1577
- Customs and Inland Revenue, Comm. cl. 23, 1879, 1880; cl. 25, 1883

Spain

- Contraband Trade at Gibraltar—Cam "Rosslyn," Question, Observation Duke of St. Albans; Reply, Earl of
- Observations, Lord Napier of June 16, 1898
- Labour in Cuba, Question, Mr. Er
- Answer, Mr. Bourke May 12, 124

SPEAKER, The (Right Hon. H. BRAND), Cambridgeshire

- Admiralty—Director of Naval Cons 1359
- Africa, South—Miscellaneous Question Civil and Military Commands, Exp 1242
- Transvaal, 1266
- Zulu War—Alleged Cruelties of the Troops, 1717
- Army Organization—Departmental Co 1562
- Blind and Deaf-Mute Children (Ed Consid. 226
- "Home Rule" Party, 1040
- India—East India Revenue Accounts—Financial Statement, Comm. 1092; Petitioned, 1723
- India—Indian Budget, 130
- Ireland—Miscellaneous Questions
- Intoxicating Liquors, 1201
- Religious Disturbances at Omey County Galway, 686, 690
- Ribandism, 1230
- Landlord and Tenant (Ireland) (No. 338
- Metropolis (Little Coram Street, Bloc Wells Street, Poplar, and Great Pets Westminster.) Improvement Provisi ders Confirmation, Comm. 1401
- Parliament—Rules and Practice of the 1363
- Prerogative of the Crown, 240, 241; F 264, 265, 286
- Summary Jurisdiction, Consid. 1099
- Thames River (Prevention of Flood 1135
- Trade, State of—Statement of the Minister, 1020
- Trustees Relief, 2R. 507
- University Education (Ireland), 102 1025

SPENCER, Earl

- Hares (Ireland), Comm. 1897

SPINKS, Mr. Serjeant F. L., Oldham

- Hours of Polling (Boroughs), 2R. 168

Spirits Bill

- (Mr. Attorney General, Sir Henry Selwin-
- c. Acts read; considered in Committee; tion agreed to, and reported; Bill read 1^o June 9 [Bil

STACPOOLE, Mr. J. W., *Ennis*

- Africa, South—Zulu War—Fight at Rorke's Drift, 1916
- Army—Beards, 1916
- Compulsory Retirement—Royal Warrant of May, 1878, 1707
- Army Estimates—Volunteer Corps, 2013
- Supply—Lord Lieutenant of Ireland, Household, &c. 204, 206

STANHOPE, Earl

- Church of England—Glebe Lands, Motion for a Paper, 1428
- Disqualification by Medical Relief, Comm. 1340
- Supply of Drink on Credit, 1R. 239
- Treaty of Berlin—Balkan Fortresses, 227

STANHOPE, Hon. E. (Under Secretary of State for India), *Lincolnshire, Mid.*

- Army—The Warrant of August 13th, 1877—Supersession of General Officers, 1136
- British Indian Association, Res. 1144
- East India (Loan), Comm. Amendt. 1199, 1200; 2R. 1804
- India—Miscellaneous Questions
 - Afghanistan—The War—Execution of Prisoners of War, 18, 19;—General Roberts' Despatch, 123, 1234
 - Bombay, Disturbances in, 1009
 - Famine Commission, 126
 - Four-and-a-half per Cent Loan Allotment, 694
 - Kirwee Prize Money, 1701
 - Petition of Mr. W. Taylor—Sir F. Halliday, 1911
 - Return of Ecclesiastical Salaries, 1430
 - Village "Panchayats" or Courts of Arbitration, 836
- India—East India Revenue Accounts—Financial Statement, Comm. Motion for Adjournment, 1040, 1198, 1727, 1743, 1787, 1794, 1797
- Indian Marine, 2R. 792, 793, 2028

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- China—Chefoo Convention, 5
- Habitual Drunkards, Comm. cl. 3, 390
- Landed Estates Court (Ireland), Motion for Returns, 665
- Prosecution of Offences, 2R. 1338
- Straits Settlements, Administrator of the—The Sultan Johore, Motion for Papers, 1341, 1349

STANLEY, Right Hon. Colonel F. A. (Secretary of State for War), *Lancashire, N.*

- Afghanistan and Zululand—The Wars—Number of British Troops, 699
- Africa, South—Civil and Military Commands, Explanation, 1249, 1257
- Africa, South—Zulu War—Miscellaneous Questions
 - 1552, 1553
 - Forces in Zululand, 1008
 - Lord Chelmsford's Despatches, 1139
 - Re-inforcements, 1018
 - Re-inforcements from India, 1141

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- Returns of Killed, &c. 1853
- Rorke's Drift, Fight at, 1916
- Royal Marines, 1019
- Transport Service in Natal, 838, 839
- Army—Miscellaneous Questions
 - Army Discipline and Regulation—Booby of War, 1701
 - Army Regulation Act—Cashiered Purchase Officers, 1807
 - Balances of Deceased Soldiers, 1006
 - Beards, 1916
 - Commissariat and Transport Departments, 12
 - Compulsory Retirement—Royal Warrant of May, 1878, 1707
 - Court of Inquiry at Netley in 1873, 837
 - Discharged Soldiers, Civil Employment for, 1011
 - 88th Regiment—Volunteers, 1011, 1012
 - 88th Regiment—Foreign Service, 694
 - First-Class Army Reserve, 1012, 1811
 - Flogging in the Army, 837
 - 42nd Regiment, 1915, 1916
 - Medical Service—Invalided Medical Officers, 1697
 - Organization—The Departmental Committee, 1551, 1557
 - Regimental Commands—The Five Years' Rule, 1010
 - 60th Rifles—Court Martial, 234, 402
 - Soldiers in Uniform, 1870
 - Veterinary Warrant of May 1st, 1878, 1007
 - Volunteering from the Militia to the Line, 239
- Army Discipline and Regulation, 17; Comm. cl. 30, 421, 425, 432; cl. 31, 434, 435; cl. 32, 437, 441, 450, 451, 460, 462; cl. 34, 463; cl. 36, 464, 469, 472, 473; cl. 38, 572, 573; cl. 39, 575; cl. 40, 578, 579, 585, 589, 590; cl. 41, 599, 600, 602; cl. 42, 604, 605, 606, 609, 612, 841, 842, 854, 855; cl. 43, 856; cl. 44, 858, 864, 865, 871, 885, 886, 1556, 1564, 1565, 1569, 1572, 1576, 1580, 1586
- Army Estimates—Divine Service, 1920, 1921, 1963, 1968, 1969, 1974, 1977
- Medical Establishments, &c. 1952, 1958
- Military Law—Administration of, 1922, 1925, 1933, 1939, 1944, 1948, 1949
- Militia, 1994, 2000
- Volunteer Corps, 2025, 2027
- Yeomanry Cavalry, 2002, 2003
- General National Fund for Relief of Families of Soldiers, Sailors, &c. 1806
- Patriotic Fund—Powers of Commissioners, 1136

STANTON, Mr. A. J., *Stroud*

- Customs and Inland Revenue, Comm. cl. 24, 1881

State of the Country

- Depression of Trade*, Question; Observations, The Duke of Rutland; Reply, The Earl of Beaconsfield May 20, 813
- Statement of the Prime Minister*, Question, Observations, Mr. Mac Iver; Reply, Mr. Speaker May 22, 1019

Statute Law Revision (Ireland) Bill

(*Mr. Attorney General for Ireland, Mr. James Louth*)

- c. Read 3^o May 9 [Bill 132]
 l. Read 1^o (The Lord Chancellor) May 12
 Read 2^o May 23, 1133 (No. 80)
 Committee²; Report May 27
 Read 3^o May 29

STEVENSON, Mr. J. C., South Shields

Supply—Police, Counties and Boroughs (Great Britain), 738

STEWART, Mr. J., Greenock

Supply—Local Taxation in Scotland, 182
 Reformatory, Industrial, &c. Schools, Amendt. 1435, 1436

STEWART, Mr. M. J., Wigton Bo.

Army Estimates—Volunteer Corps, 2005
 India—East India Revenue Accounts—Financial Statement, Comm. 1802
 Supply—Fishery Board in Scotland, 160
 Local Taxation in Scotland, 183

Straits Settlements—The Sultan of Johor

Moved, "That an humble Address be presented to Her Majesty for, Copy of the Treaty of 1855 between the Sultan of Johor and his Tumonggong, and for the correspondence respecting Muar since the death of the late Sultan of Johor" (*The Lord Stanley of Alderley*) May 27, 1341; after short debate, Motion agreed to

STRATHNAIRN, Lord

Army—Brigade Dépôt System, Res. 1216
 Army—Condition of the Army and Short Service System, Address for Papers, 1418, 1425

Sugar Industries—The Select Committee

Question, Mr. Ritchie; Answer, The Chancellor of the Exchequer May 13, 235
 Moved, "That the Select Committee do consist of 17 Members" (*Mr. Ritchie*) May 20, 925; after short debate, Question put, and agreed to; List of the Committee, 929

SULLIVAN, Mr. A. M., Louth Co.

Africa, South—Zulu War—Miscellaneous Questions 1364
 Alleged Cruelties by the British Troops, 1712
 Civil and Military Commands, Explanation, Motion for Adjournment, 1242, 1265
 Instructions of Sir Garnet Wolseley, 1357
 Overtures of Peace, 1235
 Army Discipline and Regulation, Comm. cl. 44, 872, 875
 Army Estimates—Divine Service, 1920
 Medical Establishments, &c. 1971, 1972, 1973, 1989
 Military Law, Administration of, 1938, 1942, 1947
 Criminal Law—Case of Ryan, 1812
 Customs Re-organization, 1703

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Ireland—Miscellaneous Questions
 Agricultural Depression, 1394
 High Court of Justice—Business in the Chancery Division, 1703
 Intoxicating Liquors, 395
 Netterville Trust Property—The Louth Institution, 1153
 Religious Disturbances in Omev Island, County Galway, 691
 Irish Church Temporalities Commissioners—Mr. Ball, 395, 396
 Post Office—New International Post Card, 692, 693
 Supply—Convict Establishments in England and the Colonies, 751
 Court of Bankruptcy in Ireland, 1514
 Fishery Board in Scotland, 174, 175
 Police, Counties and Boroughs (Great Britain), 742
 Prison Commissioners for Scotland, &c. 1508, 1509
 Prisons in England and Wales, 1295, 1296
 Stationery, &c. 143
 University Education (Ireland), Leave, 504, 1025

Summary Jurisdiction Bill

(*Mr. Secretary Cross, Mr. Attorney General, Mr. Solicitor General, Sir Matthew Ridley*)

- c. Committee (on re-comm.)—r.p. May 9, 88
 Committee; Report May 12, 214 [Bill 136]
 Moved, "That the Bill be now taken into Consideration" May 22, 1093
 Amendt. to leave out from "That," and add "in the opinion of this House, compensation should be made to clerks of the peace, now paid by fees, for the diminution of their incomes which will be caused by the provisions of this Bill" (*Mr. Morgan Lloyd*) v.; Question proposed, "That the words, &c.;" after short debate, Question, put, and agreed to
 Main Question, "That the Bill be now taken into Consideration," put, and agreed to; Bill, as amended, considered [Bill 159]
 Read 3^o May 23
 l. Read 1^o (Lord Chancellor) May 26 (No. 97)

SUPPLY

Considered in Committee May 12, 136—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS
 Resolutions reported May 13, 327; after short debate, Resolutions agreed to
 Considered in Committee May 19, 700—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Resolutions reported May 22
 Considered in Committee May 26, 1366—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—Resolutions reported May 27
 Considered in Committee June 9, 1434—CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—CLASS VI.—SUPERANNUATION AND RETIRED ALLOWANCES, AND GRATUITIES FOR CHARITABLE AND OTHER PURPOSES—Resolutions reported June 12
 Considered in Committee June 16, 1919—ARMY ESTIMATES—Resolutions reported June 17

Supply of Drink on Credit Bill [H.L.]
(*The Earl Stanhope*)

l. Presented; read 1st May 13, 229 (No. 84)
Read 2nd May 29

Supreme Court of Judicature Acts Amendment Bill [H.L.] (*Mr. Attorney General*)

c. Read 2nd May 12 [Bill 134]
Committee—R.P. June 9, 1541

Supreme Court of Judicature Acts [Salaries, &c.]

Considered in Committee—Resolution thereon
May 16, 652

Supreme Court of Judicature (Officers) Bill [H.L.] (*The Lord Chancellor*)

l. Presented; read 1st May 9 (No. 76)

SYNAN, Mr. E. J., *Limerick Co.*

Law of Distress, Res. 67
University Education (Ireland), 2R. Motion
for Adjournment, 1000

TALBOT, Mr. J. G. (Secretary to the
Board of Trade), *Oxford University*
Thames River Traffic Committee—The Report,
1353

TAYLOR, Mr. P. A., *Leicester Bo.*

Army Discipline and Regulation, Comm. cl. 30,
429
Criminal Law—John Stanley, Case of, 231
Manlaughter of a Game-Watcher—The
Sentence, 392
Summary Jurisdiction, Comm. cl. 10, Amendt.
90; cl. 11, Amendt. 93

**Telegraphs, Electric—"The Government
and the Telegraph Companies"—
Purchase of the United Kingdom
Electric Telegraph Company**

Question, Mr. Fortescue Harrison; Answer,
The Chancellor of the Exchequer May 19,
697

Tenant Right (Ireland) Bill

(*The Earl of Belmore*)

l. Moved, "That the Bill be now read 2nd"
May 20, 795

Amendt. to leave out ("now,") and add ("this
day six months") (*The Viscount Lifford*);
after debate, on Question, that ("now,") &c.?
resolved in the negative; and Bill to be read
2nd on this day six months (No. 35)

TENNANT, Mr. R., *Leeds*

Railways—Railway Accidents—Adoption of
Continuous Brakes, 1844

Terms of Removal (Scotland) Bill

(*Mr. Montgomerie, Sir William Cuninghame, Mr.
Mackintosh, Sir Windham Anstruther*)

c. Ordered; read 1st May 19 [Bill 189]

Thames River (Prevention of Floods) Bill
(*by Order*)

c. Moved, "That the Bill be now taken into Con-
sideration" May 20, 825

Amendt. to leave out "now," and add "upon
Tuesday the 24th of June next" (*Colonel
Beresford*); Question proposed, "That 'now,'
&c.;" after short debate, Amendt. with-
drawn

Main Question put, and agreed to; Bill, as
amended, considered

Moved, "That the Bill be now read 3rd" (*Sir
James M'Garel Hogg*) May 23, 1134; after
short debate, Motion agreed to (Prince of
Wales's Consent, as Duke of Cornwall, signi-
fied); Bill read 3rd

**Thames River Traffic Committee—The
Report**

Questions, Captain Pim, Lord Francis Hervey;
Answers, Mr. J. G. Talbot May 27, 1353

TORR, Mr. J., *Liverpool*

Summary Jurisdiction, Comm. cl. 54, 219

TOTTENHAM, Colonel C., *New Ross*

Landlord and Tenant (Ireland) (No. 2), 2R.
352

TRACY, Hon. F. S. A. Hanbury-, *Mont-
gomery*

Copyright, Law of, 1706

Tramways Orders Confirmation Bill

(*Mr. John G. Talbot, Viscount Sandon*)

c. Ordered; read 1st May 16 [Bill 187]
Read 2nd May 27

Treaty of Berlin

MISCELLANEOUS QUESTIONS

Article 23—The European Provinces of Turkey,
Questions, Sir George Campbell; Answers,
The Chancellor of the Exchequer May 16,
398; June 9, 1430

Balkan Fortresses, The, Question, Mr. Baxter;
Answer, Mr. Bourke May 12, 127; Ques-
tion, Earl Stanhope; Answer, The Mar-
quess of Salisbury May 13, 227

Eastern Roumelia, Questions, Mr. Hanbury,
Sir Alexander Gordon; Answers, Mr. Bourke
May 9, 9

Execution of Articles, Question, Sir William
Harcourt; Answer, The Chancellor of the
Exchequer May 16, 567

Greek Frontier, The, Questions, Mr. W. Cart-
wright, Mr. Monk, Sir Charles W. Dilke;
Answers, The Chancellor of the Exchequer,
Mr. Bourke May 9, 14; Question, Obser-
vations, The Earl of Morley; Reply, The
Marquess of Salisbury May 19, 654; Ques-
tion, Mr. Laing; Answer, The Chancellor of
the Exchequer May 22, 1005

Treaty of Berlin—Article 22—Occupation of Bulgaria and Eastern Roumelia

Moved, "That the Correspondence between Her Majesty's Government and other Powers on Article 22 of the Treaty of Berlin be laid upon the Table" (*The Lord Stratheden and Campbell*) May 19, 655; after short debate, Motion withdrawn

TURBO, Lord

Africa, South—Zulu War—Condition of the Regiments, 666, 694;—Re-inforcements, 381
Army—Army Organization—The Committee, 1416, 1417, 1901
Army—Brigade Dépôt System, Res. 1224
Army—Condition of the Army and Short Service System, Address for Papers, 1421

Trustee Acts Consolidation and Amendment Bill (*Mr. Osborne Morgan, Mr. Gregory, Mr. Alfred Marten, Sir Henry Jackson*)

c. Read 3^o * May 23 [Bill 106]
l. Read 1^o * (*Lord Selborne*) May 26 (No. 98)

Trustees Relief Bill

(*Mr. Wheelhouse, Sir George Bowyer, Sir Eardley Wilmot, Mr. Isaac*)
c. 2R. deferred May 15, 507 [Bill 145]

Turkey**MISCELLANEOUS QUESTIONS**

Anglo-Turkish Convention, The—Consular Appointments in Asia Minor, Question, Mr. J. Holms; Answer, Sir Henry Selwin-Ibbetson May 26, 1237
Anti-Slave Trade Treaty, Question, Mr. W. E. Forster; Answer, Mr. Bourke May 26, 1238
Consul Blunt's Report, Question, Lord Eleho; Answer, Mr. Bourke May 27, 1362
Crete—Reported Disturbances, Question, Observations, Lord Colchester; Reply, The Marquess of Salisbury May 29, 1408
The Turkish Guaranteed Loan, 1855, Questions, Mr. Dodson, Mr. Monk; Answer, The Chancellor of the Exchequer June 12, 1704

[See titles *Treaty of Berlin—Egypt*]

University Education (Ireland) Bill

(*The O'Connor Don, Mr. Kavanagh, Mr. Shaw, Mr. Mitchell Henry, Lord Charles Beresford, Mr. Parnell*)

c. Observations, The O'Connor Don; Reply, The Chancellor of the Exchequer May 13, 325
Motion for Leave (*The O'Connor Don*) May 15, 475; after debate, Motion agreed to; Bill ordered; read 1^o * [Bill 183]
Moved, "That the Bill be now read 2^o * " May 21, 930
Amendt. to leave out from "That," and add "while this House recognises that the funds set free by the disestablishment of the Irish Church should be devoted to the benefit of the people of Ireland, provided they are not

University Education (Ireland) Bill—cont.

again applied to the support of any sectarian religion, it is not desirable to devote additional public funds to the further promotion of higher education in Ireland till adequate provision is first made for elementary teaching in that Country without aid from Imperial funds exceeding that given to other parts of the United Kingdom" (*Sir George Campbell*) v.; Question proposed, "That the words, &c.;" after long debate, Moved, "That the Debate be now adjourned" (*Mr. Symes*) after further short debate, Motion agreed to Debate adjourned

Question, Observations, The O'Connor Don Reply, The Chancellor of the Exchequer May 22, 1020; Moved, "That this House do now adjourn" (*Mr. Shaw*); after debate Motion withdrawn

Valuation of Lands and Assessments (Scotland) Bill

(*The Lord Advocate, Mr. Secretary Cross*)

c. Read 3^o * May 12 [Bill 144]
Committee; Report May 19, 783

Valuation of Lands (Scotland) Amendment Bill (*Sir Windham Anstruther*)

(*Mr. Campbell-Bannerman, Sir Graham Montgomery*)
c. Considered * May 9 [Bill 16]
Read 3^o * May 12
l. Read 1^o * (*Lord Stewart of Garlies*) May 13
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- c. Resolution in Committee May 8
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